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**JOURNAL**  
**OF**  
**THE SENATE**  
**OF THE**  
**GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF NORTH CAROLINA**

**SECOND**  
**SESSION 1976**



JOURNAL

OF

THE SENATE

OF THE

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OF THE

STATE OF NORTH CAROLINA

SECOND

SESSION 1976

# OFFICERS AND MEMBERS OF THE SENATE OF NORTH CAROLINA

1975 GENERAL ASSEMBLY

SECOND SESSION 1976

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\* (Elected effective July 1, 1976)

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# 1975 GENERAL ASSEMBLY

## SECOND SESSION 1976

ONE HUNDRED EIGHTEENTH DAY

SENATE CHAMBER,  
Monday, May 3, 1976.

The Senate of the 1975 General Assembly—Second Session 1976 assembles this day in the Senate Chamber pursuant to adjournment on June 26, 1975 and is called to order by Lieutenant Governor James B. Hunt, Jr.

Prayer is offered by Dr. Edward Hughes Pruden, Senate Chaplain, as follows:

“Our Father, on this opening day of our legislative session, and in this Bicentennial Year of our nation, we acknowledge Thee to be the creator of all things that exist and, our Heavenly Father, we thank Thee that our heritage of freedom can be traced to our founding fathers who believed that the God who gave us life, gave us liberty at the same time. May we never forget the words found in the Book of Proverbs where we read: ‘Happy is that nation whose God is the Lord, but sin is a reproach to any people.’ For Thy Name’s sake. Amen.”

Senator Henley for the Committee on Rules and Operation of the Senate announces that the Journal of Thursday, June 26, 1975, has been examined and is found to be correct, and upon his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Bahakel, Crawford, Moore, W. G. Smith, and Walsh for today.

The President introduces Mrs. Christy Spear Price as Page Supervisor and recognizes the following pages serving in the Senate this week: James M. Albright, Graham; Renee P. Barnwell, New Bern; Dolores Hill Childers, Mount Holly; Dollie Genelia Faw, Lenoir; Cameron R. Goodman, Raleigh; Katherine Harless, Edenton; Fran Hollowell, Edenton; Jeff Hunter, Winston-Salem; Vicki Jones, Sanford; Warren Richard Lackey, High Point; Rebecca Jane Lennon, Bladenboro; Laura Jean Minges, Rocky Mount; Amy Nelson, Creedmoor; Dawn Renee Price, Taylorsville; William H. Pruden III, Roanoke Rapids; Cheryl Satterfield, Raleigh; Melissa Lee Styers, Winston-Salem; Antoinette Roslyn Thomas, Laurinburg; Tyre W. Thompson, Asheboro; Scott Holmes Toben, Greensboro; Bart Turner, Asheville; Beverly Jean Warren, Dunn.

It is noted during the interim the President appointed Senators Garrison, Kincaid, and White to the Joint Appropriations Conference Committee.

The President outlines the procedure by which bills and resolutions shall be sent forward, numbered, and taken under advisement for disposition.

May 3

The Chair shall rule if an enabling resolution is required pursuant to H. J. R. 1283.

On motion of Senator Henley, the Senate adjourns to meet tomorrow at 9:00 A.M.

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## ONE HUNDRED NINETEENTH DAY

SENATE CHAMBER,  
Tuesday, May 4, 1976.

The Senate meets pursuant to adjournment and is called to order by Lieutenant Governor James B. Hunt, Jr.

Prayer is offered by Dr. Edward Hughes Pruden, Senate Chaplain, as follows:

"Our Father, we thank Thee for responsibilities which perplex and humble us, for it is then that we become aware of our human limitations, and recognize our need of Thee. May we be big enough to admit how small we really are, and small enough to seek that wisdom which Thou hast promised to all who ask for it. And then, when we have finally reached the right conclusions, and made wise decisions, help us to be honest enough to give Thee praise and thanksgiving. Amen."

Senator Henley for the Committee on Rules and Operation of the Senate announces that the Journal of yesterday has been examined and is found to be correct, and upon his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Nye for today.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions are introduced, read the first time and disposed of, as follows:

S. B. 953, by Senators Kirby and Odom, a bill to change the quarterly system of remitting State personal income tax withheld by employers to a monthly system for large employers and to provide for uniform monthly filing dates. Referred to Committee on Finance.

S. B. 954, by Senator Scott, a bill to modify current operations and capital improvements appropriations for North Carolina State government for the fiscal year 1976-77, and to make other changes in the budget operation of the State. Referred to Committee on Appropriations.

S. J. R. 955, by Senator Webster, a joint resolution authorizing the 1975 General Assembly, Second Session 1976, to consider nominations by the Governor to fill vacancies on the North Carolina Utilities Commission.



On motion of Senator Webster, the rules are, without objection, suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second reading, ayes 46, noes 0, as follows: Those voting in the affirmative are: Senators Alford, Allsbrook, Bahakel, Britt, Childers, Combs, Crawford, Daniels, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Moore, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Staton, Strickland, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 46.

The joint resolution passes its third reading, ayes 46, noes 0, as follows:

Those voting in the affirmative are: Senators Alford, Allsbrook, Bahakel, Britt, Childers, Combs, Crawford, Daniels, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Moore, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Staton, Strickland, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 46.

Having received a two-thirds majority of the vote of the Senate, the joint resolution is ordered, without objection, sent to the House of Representatives by special messenger.

On motion of Senator Henley, the Senate recesses to meet at 12 Noon.

#### NOON SESSION

SENATE CHAMBER,  
Tuesday, May 4, 1976.

The Senate meets pursuant to recess and is called to order by Lieutenant Governor James B. Hunt, Jr.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1289, a joint resolution authorizing the 1975 General Assembly, Second Session 1976, to consider the recommendations of the North Carolina Professional Liability Insurance Study Commission and bills on that subject.

On motion of Senator Henley, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

Senator Suddarth offers Amendment No. 1. At the request of Senator William Smith and pursuant to Rule 28, the Chair rules Amendment No. 1 divided into two parts, 1A and 1B. Amendment No. 1A fails of adoption. Amendment No. 1B fails of adoption.

Senator Barker, seconded by Senator Garrison, calls the previous question. Senator Suddarth calls a division on the vote to sustain the previous question and calls for the "ayes" and "noes."

The call for the previous question is sustained by roll call vote, ayes 32, noes 13, as follows: Those voting



in the affirmative are: Senators Alexander, Alford, Allsbrook, Barker, Britt, Combs, Daniels, Davis, Garrison, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Lackey, McDuffie, Mills, Moore, Odom, Palmer, Renfrow, Royall, Scott, Sebo, Lynwood Smith, Stallings, Staton, Totherow, Webster, Whichard, White — 32. Those voting in the negative are: Senators

Bahakel, Childers, Crawford, Kincaid, Marion, Mauney, Rauch, McNeill Smith, William Smith, Suddarth, Vickery, Walker, Walsh — 13. The joint resolution passes its second reading, ayes 44, noes 2, as follows:

Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Daniels, Davis, Garrison, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Moore, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, Stallings, Staton, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White — 44. Those voting in the negative are: Senators William

Smith, Suddarth — 2. Senator William Smith objects to the third reading of the joint resolution. Senator Barker offers a motion to suspend the rules to the end that the joint resolution may be considered upon third reading, which motion prevails. The joint resolution passes its third reading, ayes 43, noes 1, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Crawford, Daniels, Davis, Garrison, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Moore, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Staton, Totherow, Walker, Walsh, Webster, Whichard, White — 43. Voting in the negative is: Senator Suddarth — 1. Having received a two-thirds majority of the vote of the Senate, the joint resolution is ordered enrolled.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. J. R. 1289, a joint resolution authorizing the 1975 General Assembly, Second Session 1976, to consider the recommendations of the North Carolina Professional Liability Insurance Study Commission and bills on that subject.

On motion of Senator Henley, the Senate recesses to meet at 5:00 P.M.

#### AFTERNOON SESSION

SENATE CHAMBER,  
Tuesday, May 4, 1976.

The Senate meets pursuant to recess and is called to order by Lieutenant Governor James B. Hunt, Jr.

## INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions are introduced, read the first time and disposed of, as follows:

S. B. 956, by Senators Barker, Stallings, Garrison, Henley, Allsbrook, Royall, Totherow, Marion, Alford, Lynwood Smith, Odom, Daniels, White, Harrington, Hardison, Renfrow, Childers, Palmer, Combs, Bahakel, Webster, Alexander, McDuffie, Mauney, Walsh, and Lackey, a bill to revise and provide for procedural and substantive laws governing claims for professional malpractice; to revise the statute of limitations for adults and minors; to provide for a standard of care, a doctrine of informed consent, an extension of the good samaritan law, and the elimination of the ad damnum clause. Referred to Committee on Insurance.

S. B. 957, by Senators Barker, Stallings, Combs, Allsbrook, Lackey, Bahakel, Lynwood Smith, Henley, Odom, Palmer, Hardison, and Royall, a bill to authorize the Board of Governors of the University of North Carolina to secure liability insurance or to act as a self-insurer for health-care providers. Referred to Committee on Insurance.

On motion of Senator Henley, the Senate adjourns to meet tomorrow at 9:00 A.M.

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ONE HUNDRED TWENTIETH DAY

SENATE CHAMBER,  
Wednesday, May 5, 1976.

The Senate meets pursuant to adjournment and is called to order by Lieutenant Governor James B. Hunt, Jr.

Prayer is offered by Dr. Edward Hughes Pruden, Senate Chaplain, as follows:

"Our Father, with the dawn of each new day we are reminded of the words of the psalmist when he said, 'This is the day which the Lord hath made; let us rejoice and be glad in it.' When we see the natural world fulfilling the devine intention so admirably, help us to ask ourselves whether or not we are fulfilling the purpose for which we were born. So guide us this day in all our endeavors that Thy will may be done in us. For Thy name's sake. Amen."

Senator Henley for the Committee on Rules and Operation of the Senate announces that the Journal of yesterday has been examined and is found to be correct, and upon his motion the reading of the Journal is dispensed with and it stands approved as written.



## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 955, a joint resolution authorizing the 1975 General Assembly, Second Session 1976, to consider nominations by the Governor to fill vacancies on the North Carolina Utilities Commission.

On motion of Senator Henley, the Senate adjourns to meet tomorrow at 9:00 A.M.

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ONE HUNDRED TWENTY-FIRST DAY

SENATE CHAMBER,  
Thursday, May 6, 1976.

The Senate meets pursuant to adjournment and is called to order by Lieutenant Governor James B. Hunt, Jr.

Prayer is offered by Dr. Edward Hughes Pruden, Senate Chaplain, as follows:

"Our Father, we are thankful for life and health, and for all that makes it possible for us to be in this place at this time. With a new day before us, help us to dedicate ourselves anew to the service of our State; to the people who make up its population; and to the principles which have made us a free people. If our duties seem burdensome, may the burden be made lighter by the knowledge that we have been chosen to serve here, and that multitudes have put their trust in us. And to Thee shall be the glory. Amen."

Senator Henley for the Committee on Rules and Operation of the Senate announces that the Journal of yesterday has been examined and is found to be correct, and upon his motion the reading of the Journal is dispensed with and it stands approved as written.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barker, for the Committee on Insurance:

S. B. 956, a bill to revise and provide for procedural and substantive laws governing claims for professional malpractice; to revise the statute of limitations for adults and minors; to provide for a standard of care, a doctrine of informed consent, an extension of the good samaritan law, and the elimination of the ad damnum clause, with a favorable report.



On motion of Senator Barker, the rules are suspended and the bill is placed on today's Calendar.

S. B. 957, a bill to authorize the Board of Governors of the University of North Carolina to secure liability insurance or to act as a self-insurer for health-care providers, with a favorable report. On motion of Senator Barker, the rules are suspended and the bill is placed on today's Calendar.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions are introduced, read the first time and disposed of, as follows:

S. B. 958, by Senators Combs, Odom, Sebo, Lackey, and Alexander, a bill to provide for a sixteen percent (16%) increase in the salaries of professional employees in the public schools, community colleges, technical institutions and institutions of higher education. Referred to Committee on Appropriations.

S. B. 959, by Senators Barker, Garrison, Totherow, Alford, Royall, Daniels, and Lynwood Smith, a bill to create the North Carolina Health Care Excess Liability Fund. Referred to Committee on Insurance.

S. J. R. 960, by Senators Scott, Royall, Davis, Stallings, Jernigan, Hardison, Totherow, Lackey, Whichard, Harris, Mills, Renfrow, Winters, Odom, Combs, Walker, Rauch, Strickland, Barker, Mauney, Marion, Bahakel, Henley, Childers, Walsh, Palmer, Hill, Moore, White, Alexander, Alford, Britt, McNeill Smith, Kincaid, Webster, Suddarth, Nye, William Smith, Crawford, Gudger, Allsbrook, Harrington, Daniels, McDuffie, Lynwood Smith, Garrison, and Sebo, a joint resolution authorizing the consideration of a bill to provide that the daily subsistence allowance of the members of the General Assembly for attendance at the 1975 General Assembly, Second Session 1976, shall terminate effective May 15, 1976.

On motion of Senator Scott, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration. The joint

resolution passes its second reading, ayes 44, noes 1, as follows: Those

voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Daniels, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Lynwood Smith, William Smith, Stallings, Staton, Strickland, Suddarth, Totherow, Walker, Walsh, Webster, Whichard, White, Winters — 44. Voting in the negative is: Senator Sebo — 1. The joint

resolution passes its third reading, ayes 47, noes 0, as follows: Those

voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Daniels, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Moore, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Staton, Strickland, Suddarth, Totherow, Walker, Walsh, Webster, Whichard, White, Winters — 47. Having received a

two-thirds majority vote of the Senate, the joint resolution is ordered, without objection, sent to the House of Representatives by special messenger.

S. B. 961, by Senators Odom, Combs, and Sebo, a bill to require corporations to make declarations of estimated income tax and installment payments of estimated income tax. Referred to Committee on Finance.

The following bill is introduced:

S. B. 962, by Senator Scott, a bill to provide that for purposes of the 1975 General Assembly, Second Session 1976, the subsistence allowance paid to members of the General Assembly pursuant to General Statute 120-3.1(a)(3), for attendance at a session of the General Assembly, shall be suspended effective May 15, 1976, and no further subsistence shall be paid to any member of the General Assembly for reason of attendance at the 1975 General Assembly, Second Session, 1976.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 956, a bill to revise and provide for procedural and substantive laws governing claims for professional malpractice; to revise the statute of limitations for adults and minors; to provide for a standard of care, a doctrine of informed consent, an extension of the good samaritan law, and the elimination of the ad damnum clause. Senator Staton offers Amendment No. 1 which is adopted. Senator Gudger offers Amendment No. 2 which is adopted. Senator Whichard offers Amendments Nos. 3 and 4 which are adopted. Senator Staton offers Amendment No. 5 which is adopted. Senator McNeill Smith offers Amendment No. 6 which is adopted. Senator Crawford offers Amendments Nos. 7 and 8 which are adopted. Senator Suddarth offers Amendment No. 9 which fails of adoption. Senator Staton offers Amendment No. 10 which is adopted. Senator Suddarth offers Amendment No. 11 which fails of adoption. The bill, as amended, passes its second reading, ayes 48, noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Daniels, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Moore, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Staton, Strickland, Suddarth, Totherow, Walker, Walsh, Webster, Whichard, White, Winters — 48. Senator McNeill Smith objects to the third reading. Senator Barker offers a motion to suspend the rules to the end that the bill, as amended, be considered over the objection to third reading and be taken up at the Afternoon Session with an engrossed copy made available, which motion fails to prevail. The bill, as amended, is placed on the Calendar for tomorrow upon third reading.



## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1292, a bill to authorize the Board of Governors of the University of North Carolina to secure liability insurance or to act as a self-insurer for health-care providers. On motion of Senator Barker, the rules are suspended, and the bill is placed on the Calendar for tomorrow.

On motion of Senator Henley, the Senate recesses to meet at 4:00 P.M.

## AFTERNOON SESSION

SENATE CHAMBER,  
Thursday, May 6, 1976.

The Senate meets pursuant to recess and is called to order by Lieutenant Governor James B. Hunt, Jr.

The President grants a leave of absence to Senator Renfrow for this afternoon's session.

H. B. 1292. On motion of Senator Barker, the rules are suspended and H. B. 1292, a bill to authorize the Board of Governors of the University of North Carolina to secure liability insurance or to act as a self-insurer for health-care providers, is taken from the Calendar for May 7 and is placed on the Calendar for today.

Senator Rauch announces the time and place for a Love Feast to be held Wednesday, May 12.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barker for the Committee on Insurance:

S. B. 959, a bill to create the North Carolina Health Care Excess Liability Fund, with a favorable report, as amended.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 957, a bill to authorize the Board of Governors of the University of North Carolina to secure liability insurance or to act as a self-insurer for health-care providers. On motion of Senator Barker, consideration of the bill is postponed until Monday, May 10.



H. B. 1292, a bill to authorize the Board of Governors of the University of North Carolina to secure liability insurance or to act as a self-insurer for health-care providers. Senator Barker offers Amendments Nos. 1 and 2 which are adopted. Senator Gudger offers Amendment No. 3 which is adopted. Senator William Smith offers Amendment No. 4 which he subsequently withdraws. The bill, as amended, passes its second reading, ayes 44, noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Daniels, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kirby, Lackey, Mauney, McDuffie, Mills, Moore, Nye, Odom, Palmer, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Staton, Strickland, Suddarth, Totherow, Walker, Walsh, Webster, Whichard, White — 44. The bill, as amended, passes its third reading, ayes 46, noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Daniels, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kirby, Lackey, Mauney, McDuffie, Mills, Moore, Nye, Odom, Palmer, Rauch, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Staton, Strickland, Suddarth, Totherow, Walker, Walsh, Webster, Whichard, White, Winters — 46. The bill, as amended, is ordered sent to the House of Representatives for concurrence in the Senate amendments, by special messenger.

On motion of Senator Henley, the Senate adjourns to meet tomorrow at 9:00 A.M.

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## ONE HUNDRED TWENTY-SECOND DAY

SENATE CHAMBER,  
Friday, May 7, 1976.

The Senate meets pursuant to adjournment and is called to order by Lieutenant Governor James B. Hunt, Jr.

Prayer is offered by Dr. Edward Hughes Pruden, Senate Chaplain, as follows:

“Our Father, we thank Thee that Thou hast ordained a time of rest for those who have performed their duties, and who need relaxation and renewal of strength. May the weekend interlude before us refresh us for the work ahead, and be for all of us a time of joy in the company of our families and friends. For Thy name’s sake. Amen.”

Senator Henley for the Committee on Rules and Operation of the Senate announces that the Journal of yesterday has been examined and is found to be correct, and upon his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator McDuffie for today.

MESSAGES FROM THE GOVERNOR

The President reads the following message:

May 4, 1976

The Honorable James B. Hunt, Jr.  
President of the Senate  
North Carolina General Assembly  
Raleigh, North Carolina

*Dear Jim:*

Pursuant to GS 53-92, I submit the following name for confirmation by the Senate as Commissioner of Banks, the term to expire April 1, 1979:

Mr. John R. Tropman  
Deputy Commissioner of Banks  
North Carolina Department of Commerce  
Raleigh, North Carolina 27611

Sincerely,  
JAMES E. HOLSHOUSER, JR.

cc: The Honorable James B. Garrison

The matter is referred to the Committee on Banking.

The President reads a second message, as follows:

May 4, 1976

The Honorable James B. Hunt, Jr.  
President of the Senate  
North Carolina General Assembly  
Raleigh, North Carolina 27611

*Dear Jim:*

Pursuant to the provisions of G. S. 135-6(b)(3), I submit the following names for reappointment to the Board of Trustees of the Teachers' and State Employees' Retirement System:

Mr. Archie K. Davis  
P. O. Box 10689, Salem Station  
Winston-Salem, North Carolina 27108  
(for a term to expire 4-5-80)

Mr. Donald R. Lineberger  
4458 Darventry Court  
Charlotte, North Carolina  
(for a term to expire 4-5-80)

To fill the unexpired term of Edward M. Armfield, who resigned, I submit the name of the following individual for appointment to same:

May 7



Mr. Seddon Goode, Jr.  
221 South Tryon Street  
Charlotte, North Carolina 28202  
(for a term to expire 4-5-77)

Sincerely,  
JAMES E. HOLSHOUSER, JR.

cc: THE HONORABLE MCNEILL SMITH  
*Chairman*  
*Senate State Government Committee*

The matter is referred to the Committee on State Government.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions are introduced, read the first time, and disposed of as follows:

S. B. 963, by Senators Marion and Mauney, a bill to increase the non-resident rate of tuition at each of the sixteen constituent institutions of the University of North Carolina by eight hundred sixty-six dollars (\$866.00) per year. Referred to Committee on Finance.

S. J .R. 964, by Senator Webster, a joint resolution providing for a joint session or sessions of the Senate and House of Representatives to act on confirmation of appointments made by the Governor to membership on the North Carolina Utilities Commission. On motion of Senator Webster, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration. The joint resolution passes its second reading, ayes 40, noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Crawford, Daniels, Davis, Garrison, Gudger, Hardison, Harris, Hill, Kirby, Lackey, Marion, Mauney, Mills, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Scott, McNeill Smith, William Smith, Stallings, Staton, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 40. The joint resolution passes its third reading without a dissenting vote and is ordered, without objection, sent to the House of Representatives by special messenger.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1285, a joint resolution authorizing the 1975 General Assembly, Second Session 1976, to consider a joint resolution honoring the life and memory of Arthur Webster Thomas, Jr., a former member of the General Assembly. On motion of Senator Henley, the rules are suspended, and the joint resolution is placed on the Calendar for immediate consideration. The joint resolution passes its second reading, ayes 40,



noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Daniels, Davis, Gudger, Hardison, Harrington, Harris, Henley, Hill, Kirby, Lackey, Marion, Mauney, Mills, Nye, Odom, Palmer, Rauch, Royall, Scott, Sebo, Lynwood Smith, William Smith, Stallings, Staton, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Whichard, White, Winters — 40.

The joint resolution passes its third reading without a dissenting vote and is ordered enrolled.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 956, a bill to revise and provide for procedural and substantive laws governing claims for professional malpractice; to revise the statute of limitations for adults and minors; to provide for a standard of care, a doctrine of informed consent, an extension of the good samaritan law, and the elimination of the ad damnum clause, as amended, upon third reading. Senator Whichard offers Amendments Nos. 12 and 13 which are adopted.

Senator McNeill Smith offers Amendment No. 14 which fails of adoption. The bill, as amended, passes its third reading, ayes 44, noes 0, as follows: Those voting in the affirmative are: Senators

Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Daniels, Davis, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kirby, Lackey, Marion, Mauney, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, William Smith, Stallings, Staton, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 44. The bill, as amended, is ordered,

without objection, sent to the House of Representatives by special messenger without engrossment, including a copy of the engrossed bill after second reading for informational purposes.

S. B. 959, a bill to create the North Carolina Health Care Excess Liability Fund. On motion of Senator Barker, Committee Amendment No. 1 is adopted.

Senator Harris offers Amendment No. 2 which he subsequently withdraws. Senator William Smith offers Amendment No. 3 which is adopted.

Senator Whichard offers Amendment No. 4 which is adopted. Senator Gudger offers Amendment No. 5 which is adopted.

Senator Sebo offers Amendment No. 6 which fails of adoption. The bill, as amended, passes its second reading, ayes 43, noes 0, as follows: Those voting in the affirmative are: Senators

Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Crawford, Daniels, Davis, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kirby, Lackey, Marion, Mauney, Nye, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Staton, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 43. The bill, as amended, passes

its third reading, ayes 44, noes 0, follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt,

Childers, Crawford, Daniels, Davis, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kirby, Lackey, Marion, Mauney, Mills, Nye, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Staton, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 44. The bill, as amended, is ordered, without objection, sent to the House of Representatives by special messenger without engrossment.

On motion of Senator Hardison, the Senate adjourns to meet Monday at 11:00 A.M.

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### ONE HUNDRED TWENTY-THIRD DAY

SENATE CHAMBER,  
Monday, May 10, 1976.

The Senate meets pursuant to adjournment and is called to order by Lieutenant Governor James B. Hunt, Jr.

Prayer is offered by Dr. Edward Hughes Pruden, Senate Chaplain, as follows:

"Our Father, may we consider anew today the words of the psalmist when he said, 'Commit thy way unto the Lord, and He shall direct thy paths.' Now as we begin a new week of legislative responsibilities, we would unfold before Thee our several needs, and seek from Thee that divine direction without which we dare not undertake anything. For we ask it in the Redeemer's name. Amen."

Senator Henley for the Committee on Rules and Operation of the Senate announces that the Journal of Friday has been examined and is found to be correct, and upon his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Daniels, Gudger, and Staton for today and to Senator Daniels for Tuesday and Wednesday, May 11 and 12.

The President recognizes the following pages serving in the Senate this week: Anne Biggers, Charlotte; Nancy Jean Cheek, Durham; Karla P. Hearn, Lexington; Angela Helmes, Monroe; Donald R. Herring, Maysville; Patricia Herring, Goldsboro; David Michael Lackey, Jr., Kings Mountain; Robin Elaine Lemonds, Fayetteville; Carla E. Mauney, Kings Mountain; Laurie McCall, Eden; Judy Ann Monroe, Fairmont; Andrea Mulkey, Murphy; Edith Ann Parker, Clinton; David W. Preston, Tryon; Craig Summers, Salisbury; Sharon West, Dunn; Andree M. Wilson, Charlotte.



S. B. 957. On motion of Senator Barker, S. B. 957, a bill to authorize the Board of Governors of the University of North Carolina to secure liability insurance or to act as a self-insurer for health-care providers, is taken from the Calendar for today and is postponed indefinitely.

#### RESIGNATION OF PRINCIPAL CLERK

The President recognizes Senator Henley who sends forward a letter from the Principal Clerk, Mr. Roy Rowe, and requests the Principal Clerk be allowed to read. Mr. Rowe reads as follows:

*"Mr. President:*

Before I read my letter addressed to our President Pro Tempore, I think there might be Senators here who were not here for the 1969 Session who might like to know that there have been very few turnovers in Principal Clerks during this century in the Senate. There have been only five of us, partly due to the long and faithful services of my predecessor, the late Ray Byerly, who served as Principal Clerk for 30 years.

"After he passed away, Senator Moore, who was your President Pro Tempore at the time, called me at my office in Burgaw and asked me if I would consider this position. Needless to say, I have been here ever since.

"Now that we are nearing the sine die day of the Second Session of the 1975 General Assembly, I would like to be allowed to make an orderly transition of my duties to others, soon after adjournment. There are other fields to be plowed, other travels to make, other things to do. With this brief statement, I now read my letter to your President Pro Tempore:

"TO: Senator John T. Henley, President Pro Tempore  
North Carolina Senate

FROM: Roy Rowe, Principal Clerk

"After forty (40) years in the General Assembly either as a member of the Senate, the House or as your Principal Clerk, I now desire to terminate my services here effective June 30, 1976.

"I have thoroughly enjoyed all my years here and I am humbly grateful for the confidences and loyal support of everyone.

"The members of your Principal Clerk's office staff are most capable, loyal and dependable. Whatever innovations, updating and improvements that have been made are due to their abiding interests and concern for you and for your constituents. I commend them to you and want you to know that your Principal Clerk's office will be in good hands."

S/ ROY ROWE  
*Principal Clerk*

Senator Henley offers a motion, seconded by Senator Hardison, that the Senate accept the resignation of Mr. Rowe effective June 30, 1976, with its fullest appreciation for his services, which motion prevails.



## ELECTION OF PRINCIPAL CLERK

For Principal Clerk of the Senate to fill the unexpired term of Mr. Rowe, Senator Henley places in nomination Sylvia Morris Fink of Wake County. Senators Royall, Childers, and Harris second the nomination. On motion of Senator Hardison, the nominations are closed and Sylvia Morris Fink is unanimously elected Principal Clerk of the Senate effective July 1, 1976, by roll-call vote, ayes 39, noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Allsbrook, Bahakel, Barker, Childers, Combs, Davis, Hardison, Harrington, Harris, Henley, Hill, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Moore, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, William Smith, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 39. (Oath of office appears in the Appendix.)

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 1292, an act to authorize the Board of Governors of the University of North Carolina to secure liability insurance or to act as a self-insurer for health-care providers.

## MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1293, a bill to revise and provide for procedural and substantive laws governing claims for professional malpractice; to revise the statute of limitations for adults and minors; to provide for a standard of care, a doctrine of informed consent, an extension of the good samaritan law, and the elimination of the ad damnum clause. Referred to Committee on Insurance.

H. J. R. 1308, a joint resolution authorizing the consideration of a bill to effect changes in the organization and administration of the North Carolina Motor Vehicle Reinsurance Facility. Referred to Committee on Insurance.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1307, a joint resolution providing for a joint session or sessions of the Senate and House of Representatives to act on confirmation of appointments made by the Governor to membership on the North Carolina

Utilities Commission.

On motion of Senator Webster, the rules are suspended, and the joint resolution is placed on the Calendar for immediate consideration.

The joint resolution passes its second reading, ayes 34, noes 2, as follows:

Those voting in the affirmative are: Senators Alexander, Allsbrook, Bahakel, Barker, Childers, Combs, Davis, Harrington, Harris, Hill, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Moore, Nye, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, William Smith, Strickland, Suddarth, Totherow, Walker, Walsh, Webster, Whichard, White, Winters—34.

Those voting in the negative: Senators Hardison, Henley—2.

The joint resolution passes its third reading and is ordered enrolled.

H. J. R. 1319, a joint resolution authorizing the consideration of a bill to provide for the nomination, election and terms of the Board of County Commissioners of Yadkin County. Referred to Committee on Rules and Operation of the Senate.

On motion of Senator Henley, the Senate adjourns to meet tomorrow at 9:00 A.M.

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## ONE HUNDRED TWENTY-FOURTH DAY

SENATE CHAMBER,

Tuesday, May 11, 1976.

The Senate meets pursuant to adjournment and is called to order by Lieutenant Governor James B. Hunt, Jr.

Prayer is offered by Dr. Edward Hughes Pruden, Senate Chaplain, as follows:

“Our Father, as we face a new day with its heavy responsibilities, we know that we have work to do, but before we work, we would worship. We have learned that what we accomplish is largely dependent upon our ability to know who we are; why we are here; and the source from which our strength comes; and this knowledge comes to us only as we stand in Thy presence and seek to discover Thy will for us. So, bestow upon us now Thy blessing, and guide us throughout the day. And to Thee shall be the praise, now and always. Amen.”

Senator Henley for the Committee on Rules and Operation of the Senate announces that the Journal of yesterday has been examined and is found to be correct, and upon his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Staton and Totherow for today. A leave of absence granted previously to Senator Daniels is noted.



## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barker, for the Committee on Insurance:

H. B. 1293, a bill to revise and provide for procedural and substantive laws governing claims for professional malpractice; to revise the statute of limitations for adults and minors; to provide for a standard of care, a document of informed consent, an extension of the good samaritan law, and the elimination of the ad damnum clause, with a favorable report, as amended.

On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration.

On motion of Senator Barker, Committee Amendments Nos. 1, 2, 3, 4, 5, and 6 are adopted.

The bill, as amended, passes its second reading, ayes 46, noes 0, as follows:

Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Strickland, Suddarth, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 46.

The bill, as amended, passes its third reading, ayes 46, noes 0, as follows:

Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Strickland, Suddarth, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 46.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in the Senate amendments, without objection, by special messenger.

H. J. R. 1308, a joint resolution authorizing the consideration of a bill to effect changes in the organization and administration of the North Carolina Motor Vehicle Reinsurance Facility, with a favorable report.

## INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions are introduced, read the first time, and disposed of as follows:

S. J. R. 965, by Senator Strickland, a joint resolution authorizing the consideration of a bill to limit the corporate powers of the Village of Walnut Creek.

Senator Strickland moves that the rules be suspended and the joint resolution be placed before the Senate for immediate consideration.

Senator Strickland calls the previous question, duly seconded.

Failing to receive a two-thirds majority vote of the Senate, the motion to suspend the rules fails to prevail, ayes 26, noes 20, as follows:



Those voting in the affirmative are: Senators Allsbrook, Bahakel, Crawford, Gudger, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Sebo, William Smith, Stallings, Strickland, Suddarth, Vickery, Walker, Walsh, Whichard, Winters — 26. Those voting in the negative are: Senators Alexander, Alford, Barker, Britt, Childers, Combs, Davis, Garrison, Hardison, Harrington, Harris, Henley, Hill, McDuffie, Mills, Scott, Lynwood Smith, McNeill Smith, Webster, White — 20. The joint resolution is referred to the Committee on Rules and Operation of the Senate.

On motion of Senator Henley, the Senate recesses to meet at 4:00 P.M.

### AFTERNOON SESSION

SENATE CHAMBER,  
Tuesday, May 11, 1976.

The Senate meets pursuant to recess and is called to order by Lieutenant Governor James B. Hunt, Jr.

Senator Totherow is noted present for the Afternoon Session.

Senator Garrison for the Committee on Banking, submits the following report:

#### REPORT OF SENATE BANKING COMMITTEE ON APPOINTMENT OF THE STATE COMMISSIONER OF BANKS

The Senate Committee on Banking, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of persons appointed by the Governor in cases where appointments are subject to consent by the Senate of the General Assembly, reports as follows:

The Senate Committee on Banking recommends that in compliance with G. S. 53-92 the members of the Senate vote to give consent to the appointment by the Governor of John R. Tropman as Commissioner of Banks for a term to expire April 1, 1979.

JAMES B. GARRISON, *Chairman*  
*Committee on Banking*

May 11, 1976

Senator Garrison moves that the Senate accept the recommendation of the Committee on Banking, which motion prevails. On motion of Senator Garrison, the Senate consents to the appointment of John R. Tropman as Commissioner of Banks by roll-call vote, ayes 40, noes 0, as follows: Those voting in the affirmative are: Senators Alexander,

Alford, Allsbrook, Bahakel, Barker, Britt, Combs, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Moore, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Sebo, Lynwood Smith, McNeill Smith, Stallings, Strickland, Suddarth, Totherow, Walker, Walsh, Whichard, White, Winters — 40.

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Henley, for the Committee on Rules and Operation of the Senate:

H. J. R. 1319, a joint resolution authorizing the consideration of a bill to provide for the nomination, election and terms of the Board of County Commissioners of Yadkin County, with an unfavorable report.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions are introduced, read the first time, and disposed of as follows:

S. B. 966, by Senator Odom, a bill to provide a raise for public school employees to be contingent upon revenue collections. Referred to Committee on Appropriations.

S. B. 967, by Senators Combs, Odom, and Sebo, a bill to provide a raise for all State employees and public school employees to be contingent upon revenue collections. Referred to Committee on Appropriations.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 959, a bill to create the North Carolina Health Care Excess Liability Fund, for concurrence in the House amendments. On motion of Senator Barker, the rules are suspended, and the bill is placed on the Calendar for immediate consideration. On motion of Senator Barker, the Senate concurs in House Amendments Nos. 1, 2, 3, 4, 5, 6, 8, 13, and 14. Senator Barker moves that the Senate do not concur in House Amendment No. 12 and requests conferees, which motion prevails. The President appoints Senators Barker, Britt, and Jernigan as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. J. R. 1304, a joint resolution authorizing the consideration of a bill to amend Article 7 of Chapter 110 of the General Statutes, entitled "Day-Care Facilities" to provide changes in the definition of day care, and to provide



that the Commission shall have the power to seek injunctive relief. Referred to Committee on Rules and Operation of the Senate.

H. J. R. 1321, a joint resolution authorizing the 1975 General Assembly, Second Session 1976, to consider a bill to remove unjustified paperwork in the administration of criminal procedure. Referred to Committee on Rules and Operation of the Senate.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. J. R. 1285, a joint resolution authorizing the 1975 General Assembly, Second Session 1976, to consider a joint resolution honoring the life and memory of Arthur Webster Thomas, Jr., a former member of the General Assembly.

H. J. R. 1307, a joint resolution providing for a joint session or sessions of the Senate and House of Representatives to act on confirmation of appointments made by the Governor to membership on the North Carolina Utilities Commission.

On motion of Senator Henley, the Senate adjourns to meet tomorrow at 9 A.M.

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#### ONE HUNDRED TWENTY-FIFTH DAY

SENATE CHAMBER,  
Wednesday, May 12, 1976.

The Senate meets pursuant to adjournment and is called to order by Lieutenant Governor James B. Hunt, Jr.

Prayer is offered by Dr. Edward Hughes Pruden, Senate Chaplain, as follows:

"Our Father, we are thankful that each day is a new beginning, and that the mistakes of the past need not impair our usefulness in the future. Therefore, forgetting those things which are behind and stretching forth to those things which are before, we press toward the mark. For Thy name's sake. Amen."

Senator Henley for the Committee on Rules and Operation of the Senate announces that the Journal of yesterday has been examined and is found to be correct, and upon his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Station for today. A leave of absence granted previously to Senator Daniels is noted.



## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Henley, for the Committee on Rules and Operation of the Senate:

H. J. R. 1304, a joint resolution authorizing the consideration of a bill to amend Article 7 of Chapter 110 of the General Statutes, entitled "Day-Care Facilities" to provide changes in the definition of day care, and to provide that the Commission shall have the power to seek injunctive relief, with an unfavorable report. Senator Davis moves the rules be suspended and the joint resolution be taken from the unfavorable Calendar and be placed on today's Calendar, which motion fails to prevail, ayes 16, noes 28, as follows: Those voting in the affirmative are: Senators Alexander, Combs, Davis, Gudger, Jernigan, Lackey, Marion, Nye, Rauch, Renfrow, Sebo, McNeill Smith, Stallings, Vickery, Whichard, Winters — 16. Those voting in the negative are: Senators Alford, Allsbrook, Bahakel, Britt, Childers, Garrison, Hardison, Harrington, Harris, Henley, Hill, Kincaid, Kirby, Mauney, McDuffie, Mills, Moore, Odom, Palmer, Royall, Scott, Lynwood Smith, William Smith, Strickland, Suddarth, Walsh, Webster, White — 28.

H. J. R. 1321, a joint resolution authorizing the 1975 General Assembly, Second Session 1976, to consider a bill to remove unjustified paperwork in the administration of criminal procedure, without prejudice. On motion of Senator Henley, the joint resolution is re-referred to the Committee on Appropriations.

## INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions are introduced, read the first time and disposed of, as follows:

S. B. 968, by Senator Suddarth, a bill to remove unjustified paperwork in the administration of criminal procedure. Referred to Committee on Appropriations.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 959

HOUSE OF REPRESENTATIVES  
May 12, 1976.

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House amendment No. 12 to Senate Bill 959, "a bill to be entitled an act

to create the North Carolina Health Care Excess Liability Fund," the Speaker has appointed as conferees on the part of the House, Representatives Lilly, Gamble, and Hightower to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
GRACE A. COLLINS  
*Principal Clerk*

H. B. 1291, Committee Substitute for H. B. 1291, a bill to change the quarterly system of remitting State personal income tax withheld by employers to a monthly system for large employers and to provide for uniform monthly filing dates. Referred to Committee on Finance.

H. B. 1299, a bill to amend General Statute 7A-304 and General Statute 7A-305 to increase the costs of court in the Superior Court and District Court Divisions of the General Court of Justice. Referred to Committee on Finance.

H. B. 1303, a bill to increase fee for receiving service of process as statutory agent of a corporation to recover cost. Referred to Committee on Finance.

H. B. 1310, a bill to exempt from sales tax certain meals sold to elderly and incapacitated persons. Referred to Committee on Finance.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. J. R. 1308, a joint resolution authorizing the consideration of a bill to effect changes in the organization and administration of the North Carolina Motor Vehicle Reinsurance Facility. Senator Moore, seconded by Senator Harrington, offers a motion that consideration of the joint resolution be postponed until H. J. R. 1304 receives disposition, which motion prevails.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 1293, an act to revise and provide for procedural and substantive laws governing claims for professional malpractice; to revise the statute of limitations for adults and minors; to provide for a standard of care, a doctrine of informed consent, an extension of the good samaritan law, and the elimination of the ad damnum clause.

On motion of Senator Henley, the Senate recesses to meet at 4:00 P.M.



## AFTERNOON SESSION

SENATE CHAMBER,  
Wednesday, May 12, 1976.

The Senate meets pursuant to recess and is called to order by Lieutenant Governor James B. Hunt, Jr.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kirby, for the Committee on Finance:

S. B. 963, a bill to increase the nonresident rate of tuition at each of the sixteen constituent institutions of the University of North Carolina by eight hundred sixty-six dollars (\$866.00) per year, with an unfavorable report.

H. B. 1291, Committee Substitute for H. B. 1291, a bill to change the quarterly system of remitting State personal income tax withheld by employers to a monthly system for large employers and to provide for uniform monthly filing dates, with a favorable report, as amended.

H. B. 1299, a bill to amend General Statute 7A-304 and General Statute 7A-305 to increase the costs of court in the Superior Court and District Court Divisions of the General Court of Justice, with a favorable report.

H. B. 1303, a bill to increase fee for receiving service of process as statutory agent of a corporation to recover cost, with a favorable report.

H. B. 1310, a bill to exempt from sales tax certain meals sold to elderly and incapacitated persons, with a favorable report.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. J. R. 1308, a joint resolution authorizing the consideration of a bill to effect changes in the organization and administration of the North Carolina Motor Vehicle Reinsurance Facility. On motion of Senator Barker, consideration of the joint resolution is postponed indefinitely.

On motion of Senator Henley, the Senate adjourns to meet tomorrow at 10:00 A.M.



## ONE HUNDRED TWENTY-SIXTH DAY

SENATE CHAMBER,  
Thursday, May 13, 1976.

The Senate meets pursuant to adjournment and is called to order by Lieutenant Governor James B. Hunt, Jr.

Prayer is offered by Dr. Cecil A. Ray, General Secretary-Treasurer of the Baptist State Convention, Raleigh.

Senator Henley for the Committee on Rules and Operation of the Senate announces that the Journal of yesterday has been examined and is found to be correct, and upon his motion the reading of the Journal is dispensed with and it stands approved as written.

Upon the request of the President, Senator Henley, Senator Totherow, and Dr. Edward Hughes Pruden, Senate Chaplain, approach the well of the Senate. Senators Henley and Totherow present to Dr. Pruden, on behalf of the entire Senate, a token of its appreciation and esteem for his excellent services rendered during this Session of the General Assembly.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 959

HOUSE OF REPRESENTATIVES,  
May 12, 1976.

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Bill No. 959, "a bill to be entitled an act to create the North Carolina Health Care Excess Liability Fund" to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
GRACE A. COLLINS  
*Principal Clerk*

## CONFERENCE REPORT

S. B. 959

Senator Britt, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon Senate Bill 959, a bill to create the North Carolina Health Care Excess Liability Fund, submits the following report:

To the President of the Senate and the Speaker of the House of Representatives:

May 13

We, your conferees appointed to resolve the differences arising between the Senate and House of Representatives on Senate Bill 959, "a bill to be entitled an act to create the North Carolina Health Care Excess Liability Fund," wish to report as follows:

AMENDMENT 12. (Representative Hightower — amends the bill on page 5, lines 6 through 8.)

The Conference Committee recommends joint acceptance of modification of the amendment to be rewritten as follows:

"Amend the bill on page 5, line 5, by inserting between the word 'Commissioner' and the word 'and', the words 'the State Auditor,'."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 12th day of May, 1976.

BOB L. BARKER

LUTHER J. BRITT, JR.

GLENN R. JERNIGAN

*Conferees on the part of the  
Senate*

JOHN R. GAMBLE, JR.

FOYLE HIGHTOWER, JR.

DANIEL T. LILLEY

*Conferees on the part of the  
House of Representatives*

On motion of Senator Britt, the Conference Report is adopted, ayes 41, noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Britt, Childers, Daniels, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Moore, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Whichard, White, Winters — 41. The bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1287, a joint resolution authorizing the consideration of a bill allowing fire protection tax levies to be appropriated in order to supply rescue and ambulance services. Referred to Committee on Finance.

H. J. R. 1300, a joint resolution authorizing the consideration of a bill to amend Chapter 263 of the 1975 Session Laws to delete Polk County from the



Modified Subdivision Control Ordinance. Referred to Committee on Rules and Operation of the Senate.

H. J. R. 1314, a joint resolution authorizing the consideration of a bill to amend Chapter 657, Session Laws of 1975 so as to provide a procedure for a nonpartisan election and run-off election for the Durham County Board of Education. Referred to Committee on Rules and Operation of the Senate.

H. J. R. 1316, a joint resolution authorizing the 1975 General Assembly, Second Session 1976, to amend Chapter 346 of the 1973 Session Laws to make said chapter apply to the City of Raleigh. Referred to Committee on Rules and Operation of the Senate.

H. J. R. 1331, a joint resolution authorizing the consideration of a bill to incorporate the Town of Navassa in Brunswick County. Referred to Committee on Rules and Operation of the Senate.

H. J. R. 1335, a joint resolution authorizing the consideration of a bill to amend G. S. 14-111.1, 14-111.2 and 14-111.3 concerning ambulance services, to include Ashe County. Referred to Committee on Rules and Operation of the Senate.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1291, Committee Substitute for H. B. 1291, a bill to change the quarterly system of remitting State personal income tax withheld by employers to a monthly system for large employers and to provide for uniform monthly filing dates, upon second reading. Senator Kirby moves the adoption of the Committee amendment. Senator Rauch calls the previous question, duly seconded. Committee Amendment No. 1 fails of adoption. Senator Combs offers Amendment No. 2 which fails of adoption. Senator McNeill Smith offers Amendment No. 3. Senator Vickery moves that consideration of the Committee Substitute bill and pending Amendment No. 3 be postponed until 4:00 P.M., which motion prevails.

H. B. 1299, a bill to amend G. S. 7A-304 and G. S. 7A-305 to increase the costs of court in the Superior Court and District Court Divisions of the General Court of Justice, upon second reading. The bill passes its second reading by roll-call vote, ayes 43, noes 2, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Britt, Childers, Combs, Crawford, Daniels, Davis, Garrison, Gudger, Hardison, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Moore, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Lynwood Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 43. Those voting in the negative are: Senators Sebo, McNeill Smith — 2. The bill remains on the Calendar upon third reading.



H. B. 1303, a bill to increase fee for receiving service of process as statutory agent of a corporation to recover cost, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Britt, Childers, Combs, Daniels, Davis, Garrison, Gudger, Hardison, Harris, Henley, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Moore, Nye, Odom, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 41. The bill remains on the Calendar upon third reading.

H. B. 1310, a bill to exempt from sales tax certain meals sold to elderly and incapacitated persons, upon second reading. Senator Harris offers Amendment No. 1 which he subsequently withdraws.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Britt, Childers, Combs, Daniels, Davis, Garrison, Gudger, Hardison, Harris, Henley, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Moore, Nye, Odom, Rauch, Renfrow, Royall, Scott, Lynwood Smith, McNeill Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 41. The bill remains on the Calendar upon third reading.

On motion of Senator Henley, the Senate recesses until 4:00 P.M.

### AFTERNOON SESSION

SENATE CHAMBER,  
Thursday, May 13, 1976.

The Senate meets pursuant to recess and is called to order by Lieutenant Governor James B. Hunt, Jr.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1307

HOUSE OF REPRESENTATIVES  
May 13, 1976.

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that pursuant to H. J. R. 1307, a joint resolution providing for a joint session or sessions of the Senate and House of Representatives to act on confirmation of appointments made by the Governor to membership

on the North Carolina Utilities Commission, the House of Representatives stands ready to receive the Senate in Joint Session at the hour appointed.

Respectfully,  
GRACE A. COLLINS  
*Principal Clerk*

Pursuant to H. J. R. 1307, a joint resolution providing for a joint session or sessions of the Senate and House of Representatives to act on confirmation of appointments made by the Governor to membership on the North Carolina Utilities Commission, the President announces the time for the Joint Session as 4:30 P.M. on this date and declares the Senate in recess to repair to the Hall of the House of Representatives there to sit in Joint Session.

#### JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor James B. Hunt, Jr.

The Reading Clerk of the Senate is directed to call the roll and the following members answer "present": Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Daniels, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Nye, Odom, Palmer, Rauch, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 48.

The Reading Clerk of the House of Representatives is directed to call the roll and the following members answer "present": Representatives Adams, Auman, Baker, Ballenger, Barbee, Barker, Barnes, Beard, Bell, Bissell, Breece, Bright, Bumgardner, Bundy, Campbell, Chapin, Chase, Cobb, Collins, Cook, Creech, Cullipher, Davenport, Davis, DeBruhl, DeRamus, Diamont, Dorsey, Duncan, Eagles, Edwards, Ellis, Enloe, Erwin, Falls, Farmer, Foster, Frye, Gamble, Gentry, Gilmore, Gregory, Griffin, Hairston, Harris, Heer, Helms, Hightower, Edward Holmes, George Holmes, Bertha Holt, Charles Holt, Hunt, Hunter, Hurst, Huskins, Hutchins, Hyde, James, Jernigan, Joseph Johnson, Joy Johnson, Jones, Jordan, Josey, Lachot, Lawing, Leonard, Lilley, Love, Lutz, McMillan, Mason, Mathis, Messer, Michaux, Miller, Morris, Nash, Nesbitt, Oxendine, Phillips, Pickler, Plyler, Prestwood, Pugh, Quinn, Ramsey, Ray, Revelle, Rhodes, Rogers, Rountree, Sandlin, Sawyer, Schwartz, Setzer, Short, Neal Smith, Ned Smith, Wade Smith, Soles, Spoon, Stevens, Stewart, Tally, Tennille, Thomas, Varner, Ward, Watkins, Webb, White, Wiseman, Woodard, Wright — 116.

A quorum for each Body is declared present.

The President reads the following message from the Governor:



May 3, 1976

The Honorable James B. Hunt, Jr.  
President of the Senate  
North Carolina General Assembly  
Raleigh, North Carolina

The Honorable James C. Green  
Speaker of the House of Representatives  
North Carolina General Assembly

*Gentlemen:*

Pursuant to G. S. 62-10(f), I submit my appointments to fill vacancies on the State Utilities Commission, for confirmation by the General Assembly in joint session:

1. W. Lester Teal, Jr.  
Raleigh, North Carolina

(To fill an unexpired term created by the resignation of Commissioner George W. Clark, effective June 30, 1976, for a term to expire June 30, 1981.)

2. Winfield Scott Harvey  
Raleigh, North Carolina

(To fill a vacancy created by the resignation of W. Lester Teal, Jr. to fill a 1981 term, the term to expire June 30, 1977.)

3. Ms. Patricia Shaver Locke  
Box 4363  
Charlotte, North Carolina

(To fill a vacancy created by the resignation of Commissioner Marvin R. Wooten, the term to expire June 30, 1977.)

Sincerely,  
JAMES E. HOLSHOUSER, JR.

Senator Webster, for the Committee on Public Utilities and Energy of the Senate, presents the following report:

*Mr. President:*

In compliance with the provisions of Chapter 243 of the 1975 Session Laws that nominees to fill positions on the Utilities Commission shall be subject to confirmation by the General Assembly in Joint Session, Governor Holshouser has submitted for confirmation by the General Assembly the following names:

Mr. W. Lester Teal, Jr. (To fill an unexpired term created by the resignation of Commissioner George W. Clark, effective June 30, 1976, for a term to expire June 30, 1981)



Mr. Winfield Scott Harvey (To fill a vacancy created by the resignation of W. Lester Teal, Jr. to fill a 1981 term, the term to expire June 30, 1977)

Ms. Patricia Shaver Locke (To fill a vacancy created by the resignation of Commissioner Marvin R. Wooten, the term to expire June 30, 1977).

Pursuant to H. J. R. 1307 the Senate Committee on Public Utilities has considered the nominees and makes the following recommendation to this Joint Session:

That the nomination of Mr. W. Lester Teal, Jr. to fill an unexpired term created by the resignation of Commissioner George W. Clark not be confirmed.

That since the position for which Mr. Harvey was nominated will not be vacated, that is the position being held by Mr. Teal, the Committee takes no action as to Mr. Harvey.

That the nomination of Ms. Patricia Shaver Locke not be confirmed.

Respectfully submitted.

WESLEY D. WEBSTER

Representative Miller, for the Committee on Public Utilities of the House of Representatives, presents the following report:

May 13, 1976

*Mr. President:*

In compliance with the provisions of Chapter 243 of the 1975 Session Laws that nominees to fill positions on the Utilities Commission shall be subject to confirmation by the General Assembly in Joint Session, Governor Holshouser has submitted for confirmation by the General Assembly the following names:

Mr. W. Lester Teal, Jr. (To fill an unexpired term created by the resignation of Commissioner George W. Clark, effective June 30, 1976, for a term to expire June 30, 1981)

Mr. Winfield Scott Harvey (To fill a vacancy created by the resignation of W. Lester Teal, Jr. to fill a 1981 term, the term to expire June 30, 1977)

Ms. Patricia Shaver Locke (To fill a vacancy created by the resignation of Commissioner Marvin R. Wooten, the term to expire June 30, 1977)

Pursuant to H. J. R. 1307 the House Committee on Public Utilities has considered the nominees and makes the following recommendation to this Joint Session:

That the nomination of Mr. W. Lester Teal, Jr. to fill an unexpired term created by the resignation of Commissioner George W. Clark not be confirmed.

That since the position for which Mr. Harvey was nominated will not be vacated, that is the position being held by Mr. Teal, the Committee takes no action as to Mr. Harvey.

That the nomination of Ms. Patricia Shaver Locke not be confirmed.

Respectfully submitted.

GEORGE W. MILLER, JR.

*Chairman*

*House Public Utilities Committee*

The President of the Senate, presiding over the Joint Session, orders that the roll of the Senate will be called and thereafter, the roll of the House of Representatives will be called after which the results of the vote will be announced with regard to each motion.

Senator Webster moves that the Senate do not confirm the appointment of W. Lester Teal, Jr. to fill the unexpired term of Commissioner George W. Clark on the North Carolina Utilities Commission.

Representative Miller moves that the House of Representatives do not confirm the appointment of W. Lester Teal, Jr., to fill the unexpired term of Commissioner George W. Clark on the North Carolina Utilities Commission.

The motions to not confirm this appointment prevail by the following roll-call votes:

Senate, ayes 42, noes 0, as follows:      Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Daniels, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kirby, Lackey, Marion, McDuffie, Nye, Odom, Palmer, Renfrow, Royall, Scott, Sebo, Lynwood Smith, William Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 42.

House of Representatives, ayes 105, noes 8, as follows:      Those voting in the affirmative are: Representatives Adams, Auman, Baker, Barbee, Barker, Barnes, Beard, Breece, Bright, Bumgardner, Bundy, Campbell, Chapin, Chase, Collins, Cook, Creech, Cullipher, Davenport, Davis, DeBruhl, DeRamus, Diamont, Duncan, Eagles, Edwards, Ellis, Enloe, Erwin, Falls, Farmer, Foster, Frye, Gentry, Gilmore, Gregory, Griffin, Hairston, Harris, Heer, Helms, Hightower, Edward Holmes, Bertha Holt, Charles Holt, Hunt, Hunter, Hurst, Huskins, Hyde, James, Jernigan, Joseph Johnson, Joy Johnson, Jones, Jordan, Josey, Lachot, Lawing, Leonard, Lilley, Love, Lutz, McMillan, Mason, Messer, Michaux, Miller, Morris, Nash, Nesbitt, Oxendine, Phillips, Pickler, Plyler, Prestwood, Pugh, Quinn, Ramsey, Ray, Revelle, Rogers, Rountree, Sandlin, Sawyer, Schwartz, Setzer, Short, Neal Smith, Ned Smith, Wade Smith, Soles, Stevens, Stewart, Tally, Tennille, Thomas, Varner, Ward, Watkins, Webb, White, Wiseman, Woodard, Wright — 105.      Those voting in the negative are: Representatives Ballenger, Bell, Bissell, George Holmes, Hutchins, Mathis, Rhodes, Spoon — 8.



The appointment of W. Lester Teal, Jr. to fill the unexpired term of Commissioner George W. Clark on the North Carolina Utilities Commission fails to be confirmed by the General Assembly.

The President of the Senate, presiding over the Joint Session, rules that no action is required on the appointment of Mr. Winfield Scott Harvey as no vacancy is created by the resignation of W. Lester Teal, Jr.

Senator Webster moves that the Senate do not confirm the appointment of Ms. Patricia Shaver Locke to the North Carolina Utilities Commission.

Representative Miller moves that the House of Representatives do not confirm the appointment of Ms. Patricia Shaver Locke to the North Carolina Utilities Commission.

The motions to not confirm this appointment prevail by the following roll-call votes:

Senate, ayes 40, noes 5, as follows:            Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Barker, Britt, Childers, Combs, Daniels, Garrison, Gudger, Hardison, Harrington, Henley, Hill, Jernigan, Kirby, Lackey, Marion, Mauney, McDuffie, Moore, Nye, Odom, Palmer, Renfrow, Royall, Scott, Lynwood Smith, McNeill Smith, William Smith, Stallings, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 40.            Those voting in the negative are: Senators Bahakel, Davis, Harris, Sebo, Strickland — 5.

House of Representatives, ayes 97, noes 13, as follows:            Those voting in the affirmative are: Representatives Adams, Auman, Baker, Barbee, Barker, Barnes, Beard, Bell, Breece, Bright, Bumgardner, Bundy, Campbell, Chapin, Chase, Collins, Cook, Creech, Cullipher, Davenport, Davis, DeBruhl, Diamont, Duncan, Eagles, Ellis, Enloe, Erwin, Farmer, Frye, Gentry, Gilmore, Gregory, Hairston, Harris, Heer, Helms, Hightower, Edward Holmes, Bertha Holt, Hunt, Hunter, Hurst, Huskins, Hyde, James, Jernigan, Joseph Johnson, Joy Johnson, Jordan, Josey, Lachot, Lawing, Leonard, Lilley, Love, Lutz, McMillan, Mason, Messer, Michaux, Miller, Morris, Nash, Nesbitt, Phillips, Pickler, Plyler, Prestwood, Pugh, Quinn, Ramsey, Ray, Revelle, Rogers, Rountree, Sandlin, Sawyer, Schwartz, Setzer, Short, Neal Smith, Ned Smith, Wade Smith, Soles, Stevens, Stewart, Tally, Tennille, Thomas, Varner, Ward, Watkins, Webb, White, Woodard, Wright — 97.            Those voting in the negative are: Representatives Ballenger, Bissell, DeRamus, Edwards, Foster, Griffin, George Holmes, Charles Holt, Mathis, Oxendine, Rhodes, Spoon, Wiseman — 13.

The appointment of Ms. Patricia Shaver Locke to the North Carolina Utilities Commission fails to be confirmed by the General Assembly.

It is ordered by the President of the Senate, presiding over the Joint Session, that the Governor be notified of the action of the General Assembly sitting in Joint Session failing to confirm these appointments to the North Carolina Utilities Commission.



On motion of Senator Henley, the Joint Session is dissolved and the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kirby, for the Committee on Finance:

H. J. R. 1287, a joint resolution authorizing the consideration of a bill allowing fire protection tax levies to be appropriated in order to supply rescue and ambulance services, with an unfavorable report.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. J. R. 1291, Committee Substitute for H. J. R. 1291, a joint resolution to change the quarterly system of remitting State personal income tax withheld by employers to a monthly system for large employers and to provide for uniform monthly filing dates, upon second reading. The Senate resumes consideration of Amendment No. 3 offered by Senator McNeill Smith. Amendment No. 3 fails of adoption. The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Daniels, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Lackey, Marion, Mauney, McDuffie, Mills, Moore, Nye, Odom, Palmer, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 46. The Committee Substitute bill remains on the Calendar upon third reading.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 959, an act to create the North Carolina Health Care Excess Liability Fund.

On motion of Senator Henley, the Senate adjourns to meet tomorrow at 9:00 A.M.

## ONE HUNDRED TWENTY-SEVENTH DAY

SENATE CHAMBER,  
Friday, May 14, 1976.

The Senate meets pursuant to adjournment and is called to order by Lieutenant Governor James B. Hunt, Jr.

Prayer is offered by Dr. Edward Hughes Pruden, Senate Chaplain, as follows:

"Our Father, we read in the holy scriptures: 'I will hear what God, the Lord, shall speak, for He shall speak peace unto His people.' With such a multitude of voices demanding our attention, give us the wisdom to listen for Thy voice above all others in order that we may be the agents of peace in a troubled world. For Thy name's sake. Amen."

Senator Henley for the Committee on Rules and Operation of the Senate announces that the Journal of yesterday has been examined and is found to be correct, and upon his motion the reading of the Journal is dispensed with and it stands approved as written.

H. J. R. 1319. Senator Combs moves that H. J. R. 1319, a joint resolution authorizing the consideration of a bill to provide for the nomination, election and terms of the Board of County Commissioners of Yadkin County, be taken from the unfavorable Calendar and placed on the favorable Calendar. The motion fails to prevail, ayes 9, noes 27, as follows:

Those voting in the affirmative are: Senators Barker, Combs, Kincaid, Lackey, Scott, Sebo, Strickland, Totherow, Walker — 9. Those voting in the negative are: Senators Alexander, Allsbrook, Britt, Childers, Daniels, Garrison, Gudger, Harrington, Harris, Henley, Hill, Kirby, Mauney, McDuffie, Mills, Moore, Nye, Palmer, Renfrow, Royall, Lynwood Smith, McNeill Smith, William Smith, Stallings, Walsh, White, Winters — 27.

## INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions are introduced, read the first time and disposed of, as follows:

S. R. 969, by Senators Henley, Royall, Hardison, Harrington, Suddarth, William Smith, Walsh, Hill, Palmer, Vickery, Harris, Totherow, Lackey, Alford, Mauney, Marion, Walker, Bahakel, Rauch, White, Childers, Renfrow, Stallings, Daniels, Barker, Garrison, Crawford, Webster, Lynwood Smith, Mills, McDuffie, Allsbrook, Strickland, Kincaid, and Kirby, a Senate resolution striking out Rule 31 and Rule 34 of the Permanent Rules of the 1975 Senate relating to appointment of committees. Referred to Committee on Rules and Operation of the Senate.

S. R. 970, by Senators Allsbrook, Crawford, Stallings, White, Alford, Bahakel, Daniels, Hill, Alexander, Harrington, Mills, McDuffie, Palmer, Hardison, Kirby, Strickland, Henley, Winters, Britt, Renfrow, Garrison,



Totherow, Sebo, Royall, Whichard, Walsh, Lynwood Smith, Kincaid, Mauney, Harris, Combs, Lackey, and Moore, a Senate resolution commending the Senate Committee on Insurance and its Chairman, Senator Bob L. Barker, for their services in procuring acceptable legislation to cope with the problems of professional malpractice insurance. Referred to Committee on Rules and Operation of the Senate.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1291, Committee Substitute for H. B. 1291, a bill to change the quarterly system of remitting State personal income tax withheld by employers to a monthly system for large employers and to provide for uniform monthly filing dates, upon third reading. The Committee Substitute bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Daniels, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Kincaid, Kirby, Lackey, Mauney, McDuffie, Mills, Moore, Nye, Palmer, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Strickland, Totherow, Whichard, White, Winters — 37. The Committee Substitute bill is ordered enrolled.

H. B. 1299, a bill to amend General Statute 7A-304 and General Statute 7A-305 to increase the costs of court in the Superior Court and District Court Divisions of the General Court of Justice, upon third reading. The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows: Those voting the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Daniels, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Kincaid, Kirby, Lackey, Mauney, McDuffie, Mills, Moore, Nye, Odom, Palmer, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Strickland, Totherow, Walker, Walsh, Whichard, White, Winters — 42. The bill is ordered enrolled.

H. B. 1303, a bill to increase fee for receiving service of process as statutory agent of a corporation to recover cost, upon third reading. The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Daniels, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Kincaid, Kirby, Lackey, Mauney, McDuffie, Mills, Nye, Odom, Palmer, Renfrow, Royall, Scott, Sebo, Lynwood Smith, William Smith, Strickland, Totherow, Walker, Walsh, Whichard, White, Winters — 38. The bill is ordered enrolled.

H. B. 1310, a bill to exempt from sales tax certain meals sold to elderly and incapacitated persons, upon third reading. The bill passes its third



reading by roll-call vote, ayes 39, noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Childers, Combs, Daniels, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Kincaid, Kirby, Lackey, Mauney, McDuffie, Mills, Nye, Odom, Palmer, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Strickland, Suddarth, Totherow, Walker, Walsh, Whichard, White, Winters — 39. The bill is ordered enrolled.

On motion of Senator Henley, the Senate recesses to meet at 12:00 Noon.

### NOON SESSION

SENATE CHAMBER,  
Friday, May 14, 1976.

The Senate meets pursuant to recess and is called to order by Lieutenant Governor James B. Hunt, Jr.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Barker, for the Committee on Insurance:

(Bills introduced in the First Session 1975 remaining in this Committee.)

S. B. 55, a bill to abolish age discrimination in automobile insurance classifications and to implement classifications which establish objective standards for rates, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

S. B. 58, a bill to amend Article 25A of Chapter 58 of the General Statutes to assure the availability of auto physical damage insurance through the North Carolina reinsurance facility and to require the use of the Safe Driver Reward Plan in rating, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

S. B. 73, a bill to establish a motor vehicle physical damage reinsurance exchange, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

S. B. 236, a bill to amend Article 25 of Chapter 58 of the General Statutes of North Carolina to provide for the establishment of private passenger

rate classification by means of an appropriate modification of the 260 Plan, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

S. B. 577, a bill to protect the consumer from misuse of credit power by lending institutions in sale of life insurance, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

S. B. 593, a bill to provide minimum uniform protection in accident and health insurance policies sold in this State, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

S. B. 703, a bill to be known as the North Carolina Motor Vehicle Accident Reparations and No-Fault Insurance Act, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

S. B. 808, a bill to amend General Statute 58-61.2 to permit the use of credit card facilities in the solicitation of life and accident and health insurance and the collection of premiums therefor, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

S. B. 857, a bill requiring credit reporting agencies to furnish to individuals the nature and substance of their credit reports upon request, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

H. B. 776, a bill to amend Article 21 of Chapter 58 of the General Statutes to allow a broader latitude in investment of securities and provide for other lines of insurance, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

H. B. 924, a bill to amend Article 22 of Chapter 58 of the General Statutes to allow up to two thousand five hundred dollars (\$2,500) of group life insurance coverage for the spouse and minor children of the eligible applicant and to continue coverage for mentally retarded and physically handicapped children, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

H. B. 1054, a bill to amend General Statute 58-9.3 to provide for appeals by the Commissioner of Insurance following initial judicial review of his



orders and decisions, without prejudice. On motion of Senator Barker, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion is postponed indefinitely.

By Senator Henley, for the Committee on Rules and Operation of the Senate:

S. R. 969, a Senate resolution striking out Rule 31 and Rule 34 of the Permanent Rules of the 1975 Senate relating to appointment of committees, with recommendation that it be adopted, as amended. On motion of Senator Henley the Senate resolution is placed on today's Calendar.

S. R. 970, a Senate resolution commending the Senate Committee on Insurance and its Chairman, Senator Bob L. Barker, for their services in producing acceptable legislation to cope with the problems of professional malpractice insurance, with recommendation that it be adopted. On motion of Senator Henley the Senate Resolution is placed on today's Calendar.

H. J. R. 1331, a joint resolution authorizing the consideration of a bill to incorporate the Town of Navassa in Brunswick County, with an unfavorable report.

H. J. R. 1335, a joint resolution authorizing the consideration of a bill to amend General Statute 14-111.1, 14-111.2 and 14-111.3 concerning ambulance services to include Ashe County, with an unfavorable report. Senator Marion offers a motion that the joint resolution be taken from the unfavorable Calendar and placed on the favorable Calendar. Senator Mills offers a substitute motion, seconded by Senator Harrington, that the Senate do now adjourn to reconvene Monday evening at 8:00 P.M., which motion fails to prevail. The motion to take the joint resolution from the unfavorable Calendar and place it on the favorable Calendar prevails, ayes 37, noes 6, as follows: Those voting in the affirmative are: Senators Alford, Allsbrook, Bahakel, Britt, Childers, Combs, Davis, Gudger, Hardison, Harrington, Henley, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, Mills, Moore, Nye, Palmer, Renfrow, Royall, Scott, Sebo, William Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 37. Those voting in the negative are: Senators Alexander, Barker, Hill, McDuffie, Odom, McNeill Smith — 6.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 1291, an act to change the quarterly system of remitting State personal income tax withheld by employers to a monthly system for large employers and to provide for uniform monthly filing dates.



H. B. 1299, an act to amend General Statute 7A-304 and General Statute 7A-305 to increase the costs of court in the Superior Court and District Court Divisions of the General Court of Justice.

H. B. 1303, an act to increase fee for receiving service of process as statutory agent of a corporation to recover cost.

H. B. 1310, an act to exempt from sales tax certain meals sold to elderly and incapacitated persons.

On motion of Senator Henley, the Senate recesses to meet at 12:45 P.M.

### AFTERNOON SESSION

SENATE CHAMBER,  
Friday, May 14, 1976.

The Senate meets pursuant to recess and is called to order by Lieutenant Governor James B. Hunt, Jr.

H. J. R. 1287, a joint resolution authorizing the consideration of a bill allowing fire protection tax levies to be appropriated in order to supply rescue and ambulance services. Senator Gudger offers a motion to take the joint resolution from the unfavorable Calendar and place it on the favorable Calendar. The motion prevails, ayes 29, noes 12, as follows: Those voting in the affirmative are: Senators Alexander, Allsbrook, Britt, Combs, Crawford, Davis, Gudger, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, Nye, Palmer, Renfrow, Royall, Scott, Sebo, Lynwood Smith, William Smith, Stallings, Strickland, Totherow, Vickery, Walker, Whichard, Winters — 29. Those voting in the negative are: Senators Alford, Barker, Childers, Hardison, Harrington, Harris, Henley, McDuffie, Mills, Odom, Suddarth, White — 12.

Senator McNeill Smith, for the Committee on State Government, submits a report, as follows:

#### REPORT OF SENATE COMMITTEE ON STATE GOVERNMENT ON APPOINTMENT TO THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

The Senate Committee on State Government, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of persons appointed by the Governor in cases where appointments are subject to confirmation by the Senate of the General Assembly, reports as follows:

The Senate Committee on State Government recommends that in compliance with G. S. 135-6(b)(3) the members of the Senate vote to confirm the appointment by the Governor of the following:

Mr. Archie K. Davis  
P. O. Box 10689, Salem Station  
Winston-Salem, North Carolina 27108  
(for a term to expire 4-5-80)

Mr. Donald R. Lineberger  
4458 Darventry Court  
Charlotte, North Carolina  
(for a term to expire 4-5-80)

To fill the unexpired term of Edward M. Armfield, who resigned:

Mr. Seddon Goode, Jr.  
221 South Tryon Street  
Charlotte, North Carolina 28202  
(for a term to expire 4-5-77)

May 14, 1976

s/ McNEILL SMITH, *Chairman*  
*Committee on State Government*

On motion of Senator McNeill Smith, the report is adopted by roll-call vote, ayes 37, noes 0, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Combs, Crawford, Davis, Garrison, Hardison, Harrington, Harris, Henley, Hill, Kirby, Lackey, Marion, Mauney, McDuffie, Moore, Nye, Odom, Palmer, Renfrow, Royall, Scott, William Smith, Strickland, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 37. The appointments of Mr. Archie K. Davis, Mr. Donald R. Lineberger, and Mr. Seddon Goode, Jr. to the Board of Trustees of the Teachers' and State Employees' Retirement System are confirmed.

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Scott, for the Committee on Appropriations:

S. B. 954, a bill to modify current operations and capital improvements appropriations for North Carolina State government for the fiscal year 1976-77, and to make other changes in the budget operation of the State, with an unfavorable report as to bill, favorable as to Committee Substitute bill. On motion of Senator Scott, the rules are suspended and the Committee Substitute bill is placed on the Calendar for today.



## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 954, Committee Substitute for S. B. 954, a bill to modify current operations and capital improvements appropriations for North Carolina State government for the fiscal year 1976-77, and to make other changes in the budget operation of the State. On motion of Senator Scott, the Committee Substitute bill is adopted. Senator Barker offers Amendment No. 1 which fails of adoption. Senator Odom offers Amendment No. 2 which fails of adoption. Senator Scott calls the previous question, duly seconded. The call is sustained. The Committee Substitute bill passes its second reading, ayes 45, noes 1, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Moore, Nye, Palmer, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Whichard, White, Winters — 45. Voting in the negative is: Senator Odom — 1. The Committee Substitute bill passes its third reading, ayes 46, noes 1, as follows: Those voting in the affirmative are: Senators Alexander, Alford, Allsbrook, Bahakel, Barker, Britt, Childers, Combs, Crawford, Davis, Garrison, Gudger, Hardison, Harrington, Harris, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, McDuffie, Mills, Moore, Nye, Palmer, Renfrow, Royall, Scott, Sebo, Lynwood Smith, McNeill Smith, William Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Webster, Whichard, White, Winters — 46. Voting in the negative is: Senator Odom — 1. The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

S. R. 969, a Senate resolution striking out Rule 31 and Rule 34 of the Permanent Rules of the 1975 Senate relating to appointment of committees, for adoption. Senator Henley moves the adoption of Committee Amendment No. 1. Senator Hardison, offers Amendment No. 2 to amend Amendment No. 1 which is adopted. Senator Combs offers Amendment No. 3 to amend Amendment No. 1 which is adopted. Senator Marion offers Amendment No. 4 to amend Amendment No. 1 which is adopted. Committee Amendment No. 1, as amended by Amendments Nos. 2, 3, and 4, is adopted. Senator Moore offers Amendment No. 5 which is adopted. Senator Davis offers Amendment No. 6 which fails of adoption. Senator Odom offers a motion that the Senate do now adjourn, sine die, which motion fails to prevail. Senator Sebo offers Amendment No. 7 which fails of adoption. Senator McNeill Smith offers Amendment No. 8 which fails of adoption. Senator Henley calls the previous question, seconded by Senator Moore. The call is sustained. On motion of Senator Henley, the Senate resolution, as amended, is adopted. (The text of this resolution appears in the Appendix.) Rule 31 and Rule 34 of the Permanent Rules of the 1975 Senate of North Carolina are hereby

repealed effective November 1, 1976. Pursuant to S. R. 940 adopted in the First Session of the 1975 General Assembly, as amended in the Second Session, 1976, the Committee on Rules and Operation of the Senate is directed to report its findings and recommendations to the President and members of the North Carolina Senate at the called meeting authorized by S. R. 969, to be held on or before August 1, 1976.

S. R. 970, a Senate resolution commending the Senate Committee on Insurance and its Chairman, Senator Bob L. Barker, for their services in producing acceptable legislation to cope with the problems of professional malpractice insurance, for adoption. On motion of Senator Henley, the Senate resolution is adopted. (The text of this resolution appears in the Appendix.)

H. J. R. 1287, a joint resolution authorizing the consideration of a bill allowing fire protection tax levies to be appropriated in order to supply rescue and ambulance services. The joint resolution passes its second reading, ayes 30, noes 14, as follows: Those voting in the affirmative are: Senators Alexander, Allsbrook, Britt, Combs, Crawford, Davis, Gudger, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, Moore, Nye, Palmer, Renfrow, Royall, Scott, Sebo, William Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Whichard, Winters — 30. Those voting in the negative are: Senators Alford, Bahakel, Barker, Childers, Garrison, Hardison, Harrington, Henley, McDuffie, Mills, Odom, McNeill Smith, Webster, White — 14. The joint resolution passes its third reading, ayes 34, noes 11, as follows: Those voting in the affirmative are: Senators Alexander, Allsbrook, Britt, Childers, Combs, Crawford, Davis, Gudger, Hardison, Henley, Hill, Jernigan, Kincaid, Kirby, Lackey, Marion, Mauney, Moore, Nye, Palmer, Renfrow, Royall, Scott, Sebo, William Smith, Stallings, Strickland, Suddarth, Totherow, Vickery, Walker, Walsh, Whichard, Winters — 34. Those voting in the negative are: Senators Alford, Bahakel, Barker, Garrison, Harrington, McDuffie, Mills, Odom, McNeill Smith, Webster, White — 11. The joint resolution is ordered enrolled. Senator McNeill Smith moves that the joint resolution be recalled from the Enrolling Office. Senator McNeill Smith calls the previous question, seconded by Senator Hardison. The call is sustained. The motion to recall the joint resolution fails to prevail.

#### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. J. R. 1286, a joint resolution honoring the life and memory of Arthur Webster Thomas, Jr., a former member of the General Assembly from Cabarrus County. On motion of Senator Alexander, the rules are suspended, and the joint resolution is placed on the Calendar for immediate consideration. The President, without objection, accords the privileges of the floor to Representatives Thomas, Plyler, and Quinn. The joint resolution passes its second and third readings and is ordered enrolled.



H. J. R. 1342, a joint resolution providing for adjournment sine die of the General Assembly on Friday, May 14, 1976, at 4:00 P.M. On motion of Senator Henley, the rules are suspended, and the joint resolution is placed on the Calendar for immediate consideration. The joint resolution passes its second and third readings and is ordered enrolled.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 954, an act to modify current operations and capital improvements appropriations for North Carolina State government for the fiscal year 1976-77, and to make other changes in the budget operation of the State.

H. J. R. 1286, a joint resolution honoring the life and memory of Arthur Webster Thomas, Jr., a former member of the General Assembly from Cabarrus County.

H. J. R. 1287, a joint resolution authorizing the consideration of a bill allowing fire protection tax levies to be appropriated in order to supply rescue and ambulance services .

H. J. R. 1342, a joint resolution providing for adjournment sine die of the General Assembly on Friday, May 14, 1976 at 4:00 P.M.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES  
May 14, 1976.

*Mr. President:*

You are respectfully advised that the business of the House of Representatives has been concluded and that Body will be ready to open the doors of the House immediately upon receipt of information from your Honorable Body that you are ready to open your doors, that the gavels may fall simultaneously and adjournment may be declared sine die.

Respectfully,  
GRACE A. COLLINS  
*Principal Clerk*

Pursuant to the information submitted above, the Senate having concluded the business before it, a message is ordered sent to the House of Representatives informing that Honorable Body that the Senate stands ready for final adjournment.

The doors of the House of Representatives and Senate are thrown open, the Speaker of the House of Representatives is perceived standing ready to

let fall the gavel. The hour for adjournment fixed by joint resolution passed by the two Houses having arrived, the President of the Senate, James B. Hunt, Jr., declares the Senate of the General Assembly of the Session 1975-1976 adjourned, sine die.

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JAMES B. HUNT, JR.

*President of the Senate*

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ROY ROWE

*Principal Clerk of the Senate*

## APPENDIX





## SENATE RESOLUTIONS

SECOND SESSION 1976

S. R. 903. A SENATE RESOLUTION CONCERNING OUR ROLE IN THE  
 RULES OF THE PARLIAMENT HOUSE OF THE NEW SENATE  
 RELATING TO ATTACHMENT OF COMMITTEES.

So it is resolved by the Senate:

Resolved, That Rule 21 and Rule 22 of the Parliament House of the NEW  
 Senate of North Carolina are repealed, effective November 1, 1976.

[Sec. 1.] That the Officers of the Senate Commission shall give the  
 members of the Senate of the U. S. Senate to be held on or before August  
 1, 1976, for the sole purpose of consideration of proposed changes in the  
 permanent Rules of the NEW Senate of North Carolina which shall be  
 recommended by the majority of the entire Senate present and voting on  
 the temporary Rules of the NEW Senate of the U. S. Senate. Changes  
 proposed by the Senate Commission and revised shall be the only ones  
 of the meeting shall be made to be made to be made to be made to be made  
 that when calendar days prior to the date of meeting of the Senate.

Sec. 2. That the Senate Commission shall give the members of the  
 Senate of the U. S. Senate to be held on or before August 1, 1976, for  
 the sole purpose of consideration of proposed changes in the permanent  
 Rules of the NEW Senate of North Carolina which shall be recommended  
 by the majority of the entire Senate present and voting on the temporary  
 Rules of the NEW Senate of the U. S. Senate.

Sec. 3. That the Senate Commission shall give the members of the  
 Senate of the U. S. Senate to be held on or before August 1, 1976, for  
 the sole purpose of consideration of proposed changes in the permanent  
 Rules of the NEW Senate of North Carolina which shall be recommended  
 by the majority of the entire Senate present and voting on the temporary  
 Rules of the NEW Senate of the U. S. Senate.

[Sec. 4.] That Senate Commission shall, on or before August 1, 1976, be  
 given the sole purpose of consideration of proposed changes in the permanent  
 Rules of the NEW Senate of North Carolina which shall be recommended  
 by the majority of the entire Senate present and voting on the temporary  
 Rules of the NEW Senate of the U. S. Senate.

of the meeting to be held on or before August 1, 1976.

Sec. 4. That resolution shall become effective upon adoption.

S. R. 916. A SENATE RESOLUTION CONCERNING THE SENATE  
 COMMITTEE ON INSURANCE AND ITS CHAIRMAN, SENATOR  
 W. L. HANCOCK, FOR THEIR SERVICES IN PROVIDING AC-  
 CCEPTABLE LEGISLATION TO DEAL WITH THE PROBLEM OF  
 PROFESSIONAL MALPRACTICE INSURANCE.

WHEREAS, in 1975 a crisis developed in North Carolina by reason of  
 the unavailability of malpractice insurance to medical personnel and their  
 families;

WHEREAS, the professional liability insurance crisis in North Carolina  
 created by the 1975 insurance crisis was a state of the problem and





# SENATE RESOLUTIONS

## SECOND SESSION 1976

### **S. R. 969, A SENATE RESOLUTION STRIKING OUT RULE 31 AND RULE 34 OF THE PERMANENT RULES OF THE 1975 SENATE RELATING TO APPOINTMENT OF COMMITTEES.**

Be it resolved by the Senate:

Section 1. That Rule 31 and Rule 34 of the Permanent Rules of the 1975 Senate of North Carolina are repealed, effective November 1, 1976.

[Sec. 1.1] That the Chairman of the Rules Committee shall call for a meeting of the members of the N. C. Senate to be held on or before August 1, 1976, for the sole purpose of consideration of proposed changes in the permanent Rules of the 1975 Senate of North Carolina which shall be recommended by the majority of the entire Senate present and voting as the temporary rules of the 1977 Session of the N. C. Senate. Changes proposed by the Rules Committee and written notice of the time and place of the meeting shall be mailed by certified mail to each member not less than seven calendar days prior to the date of convening of the meeting.

Sec. 2. That the Senate express to Lieutenant Governor James B. Hunt, Jr., its deep appreciation for the excellent services he has rendered as President of the Senate and for the high quality of leadership which he has provided to the Senate.

Sec. 3. That the Senate express to all former Lieutenant Governors of North Carolina appreciation for the many years of conscientious and dedicated service which those officers have devoted to the effort to make the Senate of North Carolina an effective instrument of democratic government.

[Sec. 3.1. That Senate Resolution 940, adopted 6/25/75, be amended on page 2, lines 5 and 6, by] deleting the sentence beginning "The committee shall file" and further amend[ed on line 5] by adding the following after the word "Senate"

"at the meeting to be held in August of 1976."

Sec. 4. This resolution shall become effective upon adoption.

### **S. R. 970, A SENATE RESOLUTION COMMENDING THE SENATE COMMITTEE ON INSURANCE AND ITS CHAIRMAN, SENATOR BOB L. BARKER, FOR THEIR SERVICES IN PRODUCING ACCEPTABLE LEGISLATION TO COPE WITH THE PROBLEMS OF PROFESSIONAL MALPRACTICE INSURANCE.**

WHEREAS, in 1975 a crisis developed in North Carolina by reason of the unavailability of malpractice insurance to medical personnel and institutions; and

WHEREAS, the Professional Liability Insurance Study Commission created by the 1975 General Assembly made a study of the problem and

submitted its report together with suggested legislation to the 1975 adjourned Session of the 1975 General Assembly; and

WHEREAS, the Senate Committee on Insurance, under the chairmanship of Senator Bob L. Barker, took the proposals of the Study Commission and, working closely with the Insurance Committee of the House of Representatives, produced a bill which reconciled the various conflicting interests in a manner which produced acceptance of the bill with a minimum of dissatisfaction and complaint and without delaying the General Assembly in moving to quick adjournment after dealing with budget matters;

Now, therefore, be it resolved by the Senate:

Section 1. That the Senate commends Senator Bob L. Barker and the members of the Senate Committee on Insurance for their careful attention to detail, for their tireless devotion to their task, for their concern for the rights of all groups involved and for their vision which produced acceptable legislation in a most difficult area.

Sec. 2. That the Senate commends Senator Bob L. Barker for the high qualities of leadership which he demonstrated in assisting his committee in successfully completing its difficult assignment.

Sec. 3. This resolution shall become effective upon its adoption.



## OATH OF OFFICE SENATE PRINCIPAL CLERK

Pursuant to the election of Sylvia Morris Fink as Principal Clerk of the Senate effective July 1, 1976, she appears on this date before the President of the Senate, Lieutenant Governor James B. Hunt, Jr., and the President Pro Tempore, Senator John T. Henley, and takes and subscribes to the following oath of office which is administered by the Honorable Thad Eure, Secretary of State:

"I, Sylvia Morris Fink, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear that I will faithfully discharge the duties of the office of Principal Clerk of the Senate of the 1975 North Carolina General Assembly according to the best of my skill and ability, according to law; so help me, God."

# SENATE

## OFFICE OF THE PRESIDENT

Lieutenant Governor

James B. Hunt, Jr.

Administrative Assistant

J. Paul Essex, Jr.

Personal Secretary

Barbara Buchanan

Secretary

Patricia Yancey

## OFFICE OF THE PRESIDENT PRO TEMPORE

President Pro Tempore

John T. Henley

Secretary

Joan Leatherman

## OFFICE OF THE PRINCIPAL CLERK

Principal Clerk

Roy Rowe

Calendar Clerk

Sadie Carver

Assistant Calendar Clerk

Ida Pullen

Journal Clerk

Sylvia Fink

Assistant Journal Clerks

Ina McMillan  
Hellon Senter  
Lucia Sloan  
Dot Winstead

## READING CLERK

LeRoy Clark, Jr.

## OFFICE OF THE SERGEANT-AT-ARMS

Sergeant-at-Arms

H. Vinson Bridgers, Jr.

Deputy Sergeant-at-Arms

William Staton, Jr.

Secretary

Gerta Pleasants

Assistant Sergeants-at-Arms

Crawford "Top" Dalton  
Clarence Hobbs  
Charles Ives  
Charles Lasister  
Nancy Peete  
Cynthia Simmons

## SENATE COMMITTEES

Agriculture

## CLERKS

Sarah Murphy

Alcoholic Beverage Control

Mary B. Lamson

Appropriations

Jean Speck

Subcommittee No. 1 — Human Resources and Correction Group	Sallie Shimer
Subcommittee No. 2 — Education	Connie Mitchell
Subcommittee No. 3 — General Government and Transportation	Ellen Johns
Subcommittee No. 4 — State Government Planning and Personnel	Dora Johnson
Banking	Mary B. Stallings
Courts and Judicial Districts	Leslie Bevacqua
Criminal Justice and Corrections	Alice Sharpe
Economy	Wanna Frazier
Education	Ann Cooper
Finance	Margie Neal
Higher Education	Hazel Cooper
Human Resources	Loraine Newsome
Insurance	Mary Jo Hargett
Judiciary I	Annette Perkinson
Judiciary II	Bettie Browne
Law Enforcement and Crime Control	Gayle Battley
Local Government and Regional Affairs	Elaine Myers
Manufacturing, Labor and Commerce	Mabel Dorsey
Natural and Economic Resources	Lucille Harper
Public Utilities and Energy	Sandra Jones
Rules and Operation of the Senate	Joan Leatherman
State Government	Charlotte Johnston
Transportation	Jane Holiday
Veterans and Military Affairs	Mabel Dorsey
Wildlife	Jatana Faulk

## SECRETARIES

Carolyn Powell (Supervisor)	Christine Gallagher	Nancy Nance
Kathy Cooke	Lema Halstead	Gwendolyn Reynolds
Alanna Cozart	Pat House	Norma Rutherford
Caroline Deaton	Yolanda Hughey	Faye Taylor
Marjorie Edwards	Dorothy Ingram	Jean Thompson
	Betty Lee	Lois Tyree



## APPOINTMENTS BY LIEUTENANT GOVERNOR

The following appointments to Boards, Commissions, and Committees were made during 1975-1976 by the President of the Senate, the Honorable James B. Hunt, Jr., Lieutenant Governor:

	<i>Appointed</i>	<i>Term</i>
<b>ADVISORY BUDGET COMMISSION</b>		
(G. S. 143-4)		
Senator Ralph Scott .....	1/15/75	Not specified
Senator J. Russell Kirby .....	1/15/75	Not specified
Senator William D. Mills .....	1/15/75	Not specified
Senator Wesley D. Webster .....	1/15/75	Not specified
<b>AGING, COUNCIL ON</b>		
(G. S. 143B-181)		
Mrs. Elsie B. Evans .....	5/20/75	6/30/79
Mr. J. H. McCombs .....	5/20/75	6/30/78
<b>ARCHAEOLOGICAL ADVISORY COMMITTEE</b>		
(G. S. 143B-66)		
Senator George Marion .....	9/15/75	6/30/75
<b>AREA INMATE LABOR COMMISSION</b>		
(G. S. 148-26.2(a))		
Mr. H. C. Knox (South Piedmont) .....	9/15/75	Four years
Mr. P. E. Hull (Western) .....	9/15/75	Four years
Mrs. Nadine Buchannan (North Piedmont) .....	9/15/75	Four years
Mr. M. C. Henderson, Jr. (North Central) ..	9/15/75	Four years
Mr. John H. Taylor (Eastern) .....	9/15/75	Four years
Mr. Peter D. Jones (South Central) .....	9/15/75	Four years
<b>CAPITAL BUILDING AUTHORITY</b>		
(G. S. 129-40)		
Senator Bob L. Barker .....	7/1/75	6/30/77
<b>CAPITAL PLANNING COMMISSION</b>		
(G. S. 143B-374)		
Senator Bob L. Barker .....	9/3/75	9/3/77
Senator John T. Henley .....	9/3/75	9/3/77
Senator Wesley D. Webster .....	9/3/75	9/3/77
Senator John W. Winters, Sr. ....	9/3/75	9/3/77
<b>CHILDREN AND YOUTH, GOVERNOR'S ADVOCACY COUNCIL</b>		
(G. S. 143B-187)		
Senator Mary Horne Odom .....	9/4/75	Two years
Senator Melvin R. Daniels .....	9/4/75	Two years
<b>CHILDREN WITH SPECIAL NEEDS, COMMISSION ON</b>		
(G. S. 120-58)		
Senator James B. Garrison .....	7/25/75	Successor appointed

*Appointed**Term***CHILDREN WITH SPECIAL NEEDS,  
COMMISSION ON (continued)**

Senator Lamar Gudger .....	7/25/75	Successor appointed
Senator D. Livingstone Stallings .....	7/25/75	Successor appointed

**COMPUTER CENTERS STEERING COMMITTEE  
(FEASIBILITY STUDY OF STATE-OPERATED  
COMPUTER CENTERS FOR COUNTY AND CITY  
GOVERNMENTS)**

(Resolution 112)

Senator Glenn Jernigan .....	8/28/75	Not specified
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**CORRECTIONAL PROGRAMS,  
COMMISSION ON**

(Resolution 120; see 1973 Resolution 184)

Senator Lamar Gudger .....	9/11/75	Submission of report
Mr. H. Edward Knox .....	9/11/75	Submission of report
Senator Pleas Lackey .....	9/11/75	Submission of report
Senator Katherine Sebo .....	11/13/75	Submission of report

**CRIME STUDY COMMISSION**

(G. S. 143-521)

Senator Cy Bahakel .....	9/11/75	Successor appointed
Senator McNeill Smith .....	9/11/75	Successor appointed
Mr. Arthur Williamson .....	9/11/75	Successor appointed

**CRIMINAL JUSTICE EDUCATION AND  
TRAINING COUNCIL**

(G. S. 17B-4(a)(10))

Senator Fred D. Alexander .....	9/2/75	6/30/76
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**DELINQUENCY PREVENTION AND  
YOUTH SERVICES, TECHNICAL  
ADVISORY COMMITTEE**

(G. S. 143B-208)

Senator Katherine Sebo .....	9/15/75	6/30/77
Senator Thomas H. Suddarth .....	9/15/75	6/30/77

**DISCIPLINARY HEARING COMMISSION—  
N. C. SATE BAR**

(G. S. 84-28.1)

Senator Glenn Jernigan .....	8/29/75	6/30/77
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*Appointed**Term***EDUCATION COMMISSION OF THE STATES**

(G. S. 115-349)

Senator Ralph Scott .....	7/23/75	8/30/77
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**EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN, COUNCIL ON**

(G. S. 115-11.7)

Senator Fred D. Alexander .....	7/1/76	Two years
Senator E. Lawrence Davis .....	7/1/76	Two years

**ENERGY POLICY COUNCIL**

(G. S. 166A-2)

Senator Harold Hardison .....	8/12/75	1/31/77
Senator Russell Walker .....	8/12/75	1/31/77

**GENERAL STATUTES COMMISSION**

(G. S. 164-14)

Senator W. G. Smith .....	9/3/75	5/31/77
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**GOVERNMENTAL OPERATIONS,  
JOINT LEGISLATIVE COMMISSION**

(G. S. 120-74)

Senator I. C. Crawford .....	9/15/75	1/15/77
Senator Harold Hardison .....	9/15/75	1/15/77
Senator John T. Henley .....	9/15/75	1/15/77
Senator Carl D. Totherow .....	9/15/75	1/15/77
Senator Charles H. Vickery .....	9/15/75	1/15/77

**HEALTH CARE EXCESS LIABILITY FUND,  
BOARD OF GOVERNORS**

(G. S. 58-254.23)

Dr. Samuel B. Joyner .....	6/8/76	6/8/78
Dr. Richard N. Wrenn .....	6/8/76	6/8/79

**HOUSE MOVERS LICENSING BOARD**

(G. S. 136-44.30)

Mr. Rayford Lilley .....	6/12/75	6/30/77
Mr. J. W. Tyson, Sr. ....	6/12/75	6/30/77

**HOUSING FINANCE AGENCY  
BOARD OF DIRECTORS**

(G. S. 122A-4)

Mr. John T. Bell .....	7/23/75	6/12/77
Senator John T. Henley .....		6/12/78
Mr. John Stewart .....	7/23/75	6/12/77
Senator Ralph H. Scott .....		6/12/78

**HUMAN TISSUE ADVISORY COUNCIL**

(G. S. 143B-209)

Senator Thomas P. Strickland .....	11/4/75	Successor appointed
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*Appointed**Term***INAUGURAL CEREMONIES COMMITTEE**

(G. S. 143-533)

Senator Bob L. Barker .....	7/1/76	Inauguration
Senator John T. Henley .....	7/1/76	Inauguration
Senator John W. Winters, Sr. ....	7/1/76	Inauguration

**INTERSTATE COOPERATION, COUNCIL ON**

(G. S. 143B-380)

Senator Cy N. Bahakel .....	6/30/77
Mr. Phil Godwin .....	6/30/77
Senator D. Livingstone Stallings .....	6/30/77

**JUDICIAL COUNCIL**

(G. S. 7A-400)

Senator Luther J. Britt, Jr. ....	7/23/75	8/30/77
Senator Lamar Gudger .....	7/23/75	8/30/77

**LAND CONSERVANCY CORPORATION,****BOARD OF TRUSTEES**

(G. S. 113A-137)

Senator Russell Kirby .....	9/3/75	Successor appointed
Senator Marshall Rauch .....	9/3/75	Successor appointed

**LAND POLICY COUNCIL**

(G. S. 113A-153)

Senator Willis P. Whichard .....	4/1/75	Not specified
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**LEGISLATIVE ETHICS COMMITTEE**

(G. S. 120-99)

Senator Russell Kirby, Chm. ....	8/28/75	12/31/75
Senator Jack Childers .....	8/28/75	Term of Office
Senator Glenn Jernigan .....	8/28/75	Term of Office
Senator Donald Kincaid .....	8/28/75	Term of Office
Senator Russell Walker .....	8/28/75	Term of Office

**LIABILITY INSURANCE STUDY****COMMISSION**

(Session Laws Chapter 893)

Senator Bob L. Barker .....	8/11/75	Submission of report
Senator Julian Allsbrook .....	8/11/75	Submission of report
Dr. Ira Hardy .....	8/11/75	Submission of report
Mr. John Henderson .....	8/11/75	Submission of report
Senator John T. Henley .....	8/11/75	Submission of report
Senator Thomas Suddarth .....	8/11/75	Submission of report

*Appointed**Term***MENTAL HEALTH CARE STUDY  
COMMISSION**

(Session Laws Chapter 185)

Senator Harold Hardison .....	7/28/75	Two years
Senator Kenneth C. Royall, Jr. ....	7/28/75	Two years
Senator John W. Winters, Sr. ....	7/28/75	Two years

**MILK COMMISSION, NORTH CAROLINA**

(G. S. 106-266.7)

Dr. Vila Rosenfeld .....	4/25/75	6/30/79
Mr. David A. Smith .....	4/25/75	6/30/78

**MOTOR VEHICLE DEALERS'  
ADVISORY BOARD**

(G. S. 20-305.4)

Mr. James L. Morris .....	8/23/75	6/30/77
Mr. Clarence W. Wickham .....	8/23/75	6/30/77
Mr. R. E. Davenport .....		6/30/76

**PROPERTY TAX COMMISSION**

(G. S. 143B-223)

Mr. Haywood Edmundson IV .....	7/1/75	6/30/79
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**PROPERTY TAX SYSTEM STUDY  
COMMISSION**

(Resolution 103)

Ms. Liz Haire .....	9/11/75	1/15/77
Reverend E. T. Isley .....	9/11/75	1/15/77
Senator Russell Kirby .....	9/11/75	1/15/77
Mr. Jim Long .....	11/16/75	1/15/77
Mr. Marvin Speight .....	9/11/75	1/15/77
Senator Wesley D. Webster .....	9/11/75	1/15/77
Mr. Jack Williams .....	9/11/75	1/15/77

**PUBLIC INSTRUCTION STUDY COMMISSION**

(Session Laws Chapter 875-Sec. 59)

Mr. Ernest V. Logemann .....	9/11/75	Report to Gen. Assembly
Mr. W. Clyde Pressley .....	9/11/75	Report to Gen. Assembly
Senator Ralph Scott .....	9/11/75	Report to Gen. Assembly
Mr. W. J. Smith .....	9/11/75	Report to Gen. Assembly
Senator D. Livingstone Stallings .....	9/11/75	Report to Gen. Assembly
Senator Vernon E. White .....	9/11/75	Report to Gen. Assembly
Senator John W. Winters, Sr. ....	9/11/75	Report to Gen. Assembly

*Appointed**Term***RETIREMENT SYSTEM BOARD  
OF TRUSTEES**

(G. S. 135-6(b)(4))

Senator Harold Hardison .....	1/24/75	Term of Office
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**SCHOOL LAWS RECODIFICATION  
COMMISSION**

(Session Laws Chapter 888)

Senator Mary Horne Odom .....	7/28/75	Not specified
Senator Edward R. Renfrow .....	7/28/75	Not specified
Senator Charles Vickery .....	7/14/75	Not specified

**SMALL BUSINESS STUDY COMMISSION**

(Resolution 101)

Mr. John Duncan .....	8/28/75	2/1/77
Mr. C. E. Ormsby .....	8/28/75	2/1/77

**SOLID WASTE RECYCLING,  
ADVISORY COUNCIL ON**

(G. S. 130-166.35)

Mrs. George H. Cates .....	9/2/75	7/1/77
Dr. A. G. Bullard, Jr. ....	9/2/75	7/1/77
Mr. Robert S. Hopson .....	9/16/75	7/1/77
Mr. Thomas Z. Osborne .....	9/2/75	7/1/77
Ms. Jane Sharpe .....	9/16/75	7/1/77

**SOUTHERN GROWTH POLICIES BOARD**

(G. S. 143-492)

Senator Willis P. Whichard .....	1/23/75	Term of Office
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**STATE PORTS AUTHORITY**

(G. S. 143-216)

Senator Lynwood Smith .....	7/15/75	6/30/77
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**TAX STUDY COMMISSION**

(G. S. 143-433)

Senator Bobby Lee Combs .....	9/3/75	Successor appointed
Mr. Neill McFayden .....	9/3/75	Successor appointed
Senator Edd Nye .....	9/3/75	Successor appointed

**TEACHERS AND STATE EMPLOYEES,  
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AND OTHER BENEFITS**

(Session Laws Chapter 983)

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Senator Mary Horne Odom .....	6/30/76	Not specified
Senator McNeill Smith .....	6/30/76	Not specified
Senator D. Livingstone Stallings .....	6/30/76	Not specified
Senator John W. Winters, Sr. ....	6/30/76	Not specified



	<i>Appointed</i>	<i>Term</i>
<b>TRAFFIC SAFETY AUTHORITY</b>		
(G. S. 143-392)		
Senator J. J. Harrington .....	2/27/75	Term of Office
<b>TRANSPORTATION, BOARD OF</b>		
(G. S. 143B-350(b)(3))		
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(Resolution 100)		
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Senator J. J. Harrington .....	6/26/75	6/30/80
Senator Wesley D. Webster .....	6/26/75	6/30/80
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(G. S. 134A-4)		
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Mr. John H. Baker, Jr. ....	6/25/75	6/30/79

## APPOINTMENTS BY SENATE PRESIDENT PRO TEMPORE

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### DRUG AUTHORITY, NORTH CAROLINA

(G. S. 143-472)

Senator John T. Henley .....	7/1/75	6/30/77
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### LEGISLATIVE RESEARCH COMMISSION

(G. S. 120-30.10)

Senator Bob L. Barker .....	7/24/75	Completion of term
Senator Luther J. Britt, Jr. ....	7/24/75	Completion of term
Senator Cecil Hill .....	7/24/75	Completion of term
Senator William D. Mills .....	7/24/75	Completion of term
Senator Willis P. Whichard .....	7/24/75	Completion of term

### LEGISLATIVE RESEARCH COMMISSION COMMITTEES

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(See Retirement System for membership)

Blind, Services for—H 296  
(See Emergency Medical Services for membership)

*Appointed**Term***LEGISLATIVE RESEARCH COMMISSION****COMMITTEES (continued)****Community Colleges/Public Instruction****H 296 (S 909)**

Senator Bob Barker, Chm. ....	7/24/75	1977 Session
Senator Dallas L. Alford, Jr. ....	8/27/75	1977 Session
Senator Jack Childers ....	9/10/75	1977 Session
Dr. Gerald James ....	9/11/75	1977 Session
Senator William D. Mills ....	7/24/75	1977 Session
Senator Russell Walker ....	9/10/75	1977 Session
Senator Vernon E. White ....	9/10/75	1977 Session

**Crime, Compensate Victims—H 296 (H 1202)**

Senator Tom Suddarth, Co-Chm. ....	8/28/75	1977 Session
Mr. Zeb. Alley ....	9/10/75	1977 Session
Senator Cy N. Bahakel ....	9/10/75	1977 Session
Mr. William A. Christian ....	10/16/75	1977 Session
Senator Melvin R. Daniels, Jr. ....	9/10/75	1977 Session
Mr. Tommy Griffin ....	10/23/75	1977 Session
Sheriff Otis Jones ....	10/16/75	1977 Session
Senator Donald R. Kincaid ....	9/11/75	1977 Session
Senator Thomas E. Strickland ....	8/27/75	1977 Session
Senator Charles E. Vickery ....	9/10/75	1977 Session
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Senator Kenneth C. Royall, Jr., Co-Chm. ....	8/28/75	1977 Session
Senator Ollie Harris ....	9/10/75	1977 Session
Senator Ralph H. Scott ....	9/10/75	1977 Session

**Females in the Department of Corrections****H 296 (S 24, H 20)**

Senator Luther J. Britt, Jr., Chm. ...	7/24/75	1977 Session
Senator Lamar Gudger, Co-Chm. ....	8/27/75	1977 Session
Senator I. C. Crawford ....	9/10/75	1977 Session
Mrs. Judith Kraines ....	9/19/75	1977 Session
Senator Katherine H. Sebo ....	8/27/75	1977 Session

**Fire and Casualty Rates—H 296 (H 1214)**

Senator Livingstone Stallings, Co-Chm. ....	8/28/75	1977 Session
Senator Bobby Lee Combs ....	9/10/75	1977 Session
Mr. Paul Hoover ....	9/10/75	1977 Session
Mr. Wallace Hyde ....	9/10/75	1977 Session
Senator George W. Marion, Jr. ....	9/10/75	1977 Session
Mr. Charles H. Venable ....	10/31/75	1977 Session

**Fisheries Training Vessel—H 296 (S 855)**

(See Community Colleges/Public  
Instruction for membership)



*Appointed**Term***LEGISLATIVE RESEARCH COMMISSION****COMMITTEES (continued)****Foreclosure Law Problems H 296 (H 893)**

Senator Cecil Hill, Chm. ....	7/24/75	1977 Session
Senator McNeill Smith, Co-Chm. ....	9/10/75	1977 Session
Mr. Edd W. DeArmon .....	9/10/75	1977 Session
Senator James B. Garrison .....	9/10/75	1977 Session
Senator Charles E. Vickery .....	9/10/75	1977 Session

**Hearing Aid Business—H 296 (S 630)**

(See Licensing Boards for membership)

**Inmate Labor in Correction Construction****H 296 (S 606)**

Senator Luther J. Britt, Jr., Chm. ...	7/24/75	1977 Session
Senator Glenn R. Jernigan, Co-Chm. ...	8/27/75	1977 Session
Senator Marshall A. Rauch .....	9/10/75	1977 Session
Senator Carl D. Totherow .....	9/10/75	1977 Session
Senator Wade Walsh .....	9/10/75	1977 Session

**Intergovernmental Relations—S 576**

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**Land Records Information System****H 296 (H 785)**

Senator Cecil Hill, Chm. ....	7/24/75	1977 Session
Senator Thomas E. Strickland, Co-Chm. ....	8/27/75	1977 Session
Mr. Louis C. Allen .....	9/10/75	1977 Session
Mrs. Eunice Ayers .....	9/10/75	1977 Session
Senator William K. Mauney .....	9/10/75	1977 Session

**Local Building Inspectors—H 296 (S 325)**

Senator Lynwood Smith, Co-Chm. ....	8/27/75	1977 Session
Senator Fred D. Alexander .....	9/10/75	1977 Session
Senator Bobby Lee Combs .....	9/10/75	1977 Session
Mr. John Parham .....	9/10/75	1977 Session
Mr. Andrew Roth .....	9/16/75	1977 Session

**Local Mass Transit—S 624**

Senator E. Lawrence Davis, Co-Chm. ...	8/27/75	1977 Session
Senator Jim McDuffie .....	9/10/75	1977 Session
Mr. Vardell Godwin .....	9/12/75	1977 Session
Senator Charles E. Vickery .....	9/10/75	1977 Session

**Licensing Boards—H 296 (H 1223)**

Senator J. Russell Kirby, Co-Chm. ...	8/28/75	1977 Session
Senator Ollie Harris .....	9/10/75	1977 Session
Mr. Walter B. Hartman .....	9/22/75	1977 Session
Senator Pleas Lackey .....	9/10/75	1977 Session
Senator Mary Horne Odom .....	8/27/75	1977 Session



*Appointed**Term*

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## Retirement System—H 296 (H 994); H 1200

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Co-Chm. ....	8/27/75	1977 Session
Senator Jack Childers .....	9/10/75	1977 Session
Mr. Lloyd Isaacs .....	9/10/75	1977 Session
Mr. Andrew Jones .....	9/10/75	1977 Session
Sentor Edd Nye .....	9/10/75	1977 Session
Senator Joe H. Palmer .....	9/10/75	1977 Session

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Senator William D. Mills, Chm. ....	7/24/75	1977 Session
Senator Katherine H. Sebo, Co-Chm. . .	8/27/75	1977 Session
Senator Luther J. Britt, Jr. ....	7/24/75	1977 Session
Senator Donald R. Kincaid .....	9/11/75	1977 Session
Senator Edward Renfrow .....	9/10/75	1977 Session

## Sexual Assaults—H 296 (H 816)

Senator William D. Mills, Chm. ....	7/24/75	1977 Session
Senator Mary Horne Odom, Co-Chm. . .	8/27/75	1977 Session
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Senator John W. Winters, Sr. ....	9/10/75	1977 Session

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## Sports Facility—S 40

Senator Julian R. Allsbrook, Co-Chm. . .	8/28/75	1977 Session
Mr. Theodore Dick .....	9/10/75	1977 Session
Senator Marshall A. Rauch .....	9/10/75	1977 Session
Senator William W. Staton .....	9/10/75	1977 Session
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## Tax Exempt State-owned Property

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Senator Wesley D. Webster .....	9/10/75	1977 Session

**Wrecker Service**

(See Licensing Boards for membership)

**LEGISLATIVE SERVICES COMMISSION**

(G. S. 120-31)

Senator James B. Garrison .....	1/75	Completion of term
Senator Harold W. Hardison .....	1/75	Completion of term
Senator Joseph J. Harrington .....	1/75	Completion of term
Senator Kenneth C. Royall, Jr. ....	1/75	Completion of term
Senator Ralph Scott .....	1/75	Completion of term
Senator Wesley D. Webster .....	1/75	Completion of term

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